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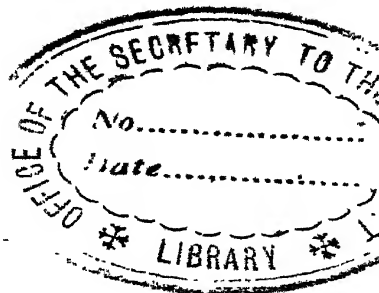
THE MADRAS CODE

IN FOUR VOLUMES

VOLUME IV

(PART IV—*cont.*)

**UNREPEALED ACTS OF THE GOVERNOR OF FORT
ST. GEORGE IN COUNCIL AND OF THE LOCAL
LEGISLATURE FROM 1924 TO THE MIDDLE
OF NOVEMBER 1935, TOGETHER WITH
AN INDEX**



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VOLUME IV.

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UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL AND OF THE LOCAL LEGISLATURE—*cont.*

MADRAS ACT No. I OF 1924.¹

[20th May, 1924.]

[An Act to amend the Madras Children Act, 1920.]

Madras Act
IV of 1920.

WHEREAS it is expedient to amend the Madras Children Act, Preamble. 1920, and WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows :—

1. This Act may be called the Madras Children (Amend- Short title. ment) Act, 1924.

2. In section 1 of the Madras Children Act, 1920 (hereinafter Amendment referred to as the said Act) the following amendments shall be of section I. made, namely :—

(1) For sub-section (2) the following shall be substituted, namely :—

[*Vide p. 972.*]

(2) Sub-section (3) shall be omitted.

3. For section 2 of the said Act, the following section shall Substitution be substituted, namely :— of a new section for section 2.

[*Vide p. 972.*]

MADRAS ACT No. II OF 1924.

THE TUTICORIN PORT TRUST ACT, 1924.

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MADRAS ACT No. II OF 1924.¹

[THE TUTICORIN PORT TRUST ACT, 1924.]

[27th May, 1924.]

Whereas it is expedient to make provision for the regulation, conservancy and improvement of the port of Tuticorin and WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

1. This Act may be called the Tuticorin Port Trust Act, Short title. 1924.
2. This Act shall come into force on such date or dates as the Local Government may, by notification, direct. Commencement.
3. In this Act, unless there be something repugnant in the subject or context, Interpretation clause.
 - (1) "Board" means the Trustees of the Port of Tuticorin appointed under this Act; "Board."
 - (2) "Chief Officer of Customs" denotes the Chief Executive Officer of Customs for the Port of Tuticorin for the time being; "Chief Officer of Customs."
 - (3) "Goods" means and includes every kind of movable property;
 - (4) "Land" includes the bed of the sea below high water-mark;
 - (5) "Master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel except a pilot or harbour master;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* Part IV, dated 20th November 1923, page 147.

- "Owner." (6) "Owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods ; and when used in relation to any vessel, includes any part owner, charterer, consignee, or mortgagee in possession thereof ;
- "Pier." (7) "Pier " includes any stage, stairs, landing-place, hard, jetty, landing stage, floating barge or pontoon, and any bridges or other works connected therewith ;
- "Port." (8) "Port " means the port of Tuticorin within such limits as may from time to time be defined by the Local Government for the purposes of this Act by notification in the *Fort St. George Gazette*, and until a notification is so issued, within such limits as may have been defined by the Government under the provisions of the Indian Ports Act, 1908 ; XV of 1908.
- "Port Trust Security." (9) "Port Trust Security " means debentures, bonds or stock certificates issued by the Board in respect of any loan contracted under the provisions of this Act ;
- "Prescribed." (10) "Prescribed " means prescribed by rules or regulations or by-laws made under this Act ;
- "Rate." (11) "Rate " includes any toll, due, rent, rate or charge leviable under this Act ;
- "Vessel." (12) "Vessel " denotes anything made for the conveyance by water of human beings or of property ;
- "Wharf." (13) "Wharf " includes any wall or stage and any part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same.

CHAPTER II.—THE BOARD OF TRUSTEES.

Imposition of duty of working the Act on a Board. 4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called "The Trustees of the Port of Tuticorin," and such Board shall be a body corporate and have perpetual succession and a common seal and shall sue and be sued by the aforesaid name.

Constitution of the Board. 5. (1) The Board shall consist of such number of Trustees, not being less than nine or more than thirteen including the Chairman and Vice-Chairman, as the Local Government may notify. Provided that the Chairman or Vice-Chairman, if absent on leave for more than a fortnight and if another Chairman or Vice-Chairman is appointed to act for him, shall cease to be a Trustee and shall, on return to duty, again become a Trustee.

(2) Not less than one-third of the number of the Trustees shall be Indians, of whom two shall be persons engaged in sea-borne trade at Tuticorin and not more than one-third shall be Government officials.

Explanation.—For the purpose of this section, neither the Chairman nor the Vice-Chairman will be reckoned as a Government official unless he is such otherwise than in virtue of the office of Chairman or Vice-Chairman, as the case may be.

6. (1) The Chairman and Vice-Chairman shall be appointed by the Local Government, provided one of them at least shall be an Indian. Of the remaining Trustees three shall be elected by the members for the time being of the Tuticorin Chamber of Commerce ¹[three by the members for the time being of the Indian Chamber of Commerce, Tuticorin,] and two by the members for the time being of the Tuticorin Municipal Council ²[at meetings of the Chambers and Council] held in accordance with the rules in force.

Appointment of Chairman and Vice-Chairman, election of Trustees and appointment of nominated Trustees.

(2) A return of the name of every person elected as Trustee shall be made to the Local Government by the Chairman of the Chamber or Council concerned.

(3) The remaining Trustees shall be appointed by the Local Government with due regard to the provisions contained in sub-section (2) of section 5.

7. The names of persons appointed or elected as Trustees shall be published in the *Fort St. George Gazette* and the *Tinnevely District Gazette*.

Publication of names of Trustees.

8. (1) No person shall be qualified to be a Trustee who

Disqualifications for office of Trustee.

(a) is not British subject or a subject of a State in India, or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Local Government disqualifies him from being a Trustee, if such sentence has not been reversed, set aside, or remitted, or

(c) is an uncertificated bankrupt or undischarged insolvent, or

(d) holds any office or place of profit under the Board :

Provided that this disqualification shall not apply to the Chairman or Vice-Chairman who may, subject to the sanction of the Local Government, be permitted to hold any of the offices under the Board referred to in section 28, or

(e) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract or employment with, by, or on behalf of, the Board.

¹ The words within square brackets were inserted by section 2 of the Tuticorin Port Trust (Amendment) Act, 1927 (Madras Act III of 1928).

² The words within square brackets were substituted for the words " at a meeting of the Chamber or Council " by *ibid.*

No person shall be deemed to have a share or interest in such work, contract, or employment by reason only of his

- (i) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or
- (ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or
- (iii) being interested in any loan of money to the Board, or
- (iv) having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same, or
- (v) having a share or interest in any licence by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway siding or any berth for vessels in the docks belonging to the Board, or
- (vi) having a share or interest in the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades, or
- (vii) being a person to whom, or a member of a firm or company to which, any of the functions specified in clauses (a) and (b) of sub-section (1) of section 40 shall have been relinquished under section 42, or
- (f) not being an Indian by birth, is domiciled in any British possession or colony as defined in the Interpretation Act of 1889, the laws of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents :

Provided that the decision of the Local Government shall be final as to whether the conditions of the clause are fulfilled.

(2) Any Trustee who

- (a) becomes disqualified for any of the aforesaid reasons, or
- (b) refuses to act or becomes incapable of acting, or
- (c) fails to attend, without the permission of the Board previously obtained, three consecutive ordinary meetings of the Board, or
- (d) is absent from the meetings of the Board for a period exceeding six consecutive months, shall cease to be a Trustee.

9. The Chairman and Vice-Chairman shall hold office during the pleasure of the Local Government. The remaining Trustees shall hold office for a term of two years from the date of election or appointment, as the case may be, but the Board may at any time accept the resignation of any Trustee.

Term of office of Chairman, Vice-Chairman and Trustees.

10. The first elective Trustees shall be elected, and the first Chairman, Vice-Chairman and nominee Trustees shall be nominated on such dates as may be notified.

First election of Trustees and first appointment of Chairman, Vice-Chairman and nominated Trustees.

11. Any person ceasing to be a Trustee shall, unless disqualified under sub-section (1) of section 8, be eligible for re-election or re-appointment.

Eligibility of Trustees for re-election or re-appointment.

12. On the occurrence of a vacancy in the office of a Trustee elected under section 6, the vacancy shall be filled up within one month by the Chamber of Commerce or Municipal Council, as the case may be, in the manner provided therein. If the Chairman, Vice-Chairman or any other Trustee appointed under section 6 ceases to hold office, the Local Government may appoint a Chairman, a Vice-Chairman or a Trustee, as the case may be.

Election or appointment of Chairman, Vice-Chairman or Trustee in vacancy.

13. If a Trustee is not elected on the date notified under section 10 or within the period allowed by section 12, the Local Government may appoint a Trustee and the person so appointed shall be deemed to be an elected Trustee.

Nomination of elected Trustees by Local Government in default of election.

14. The Local Government may from time to time grant to the Chairman or Vice-Chairman such leave of absence as they may deem fit, and any person appointed by the Local Government to act for the Chairman or Vice-Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman or Vice-Chairman, as the case may be.

Grant of leave of absence to Chairman or Vice-Chairman.

15. (1) When any Trustee departs from Tuticorin with the intention of being absent for a longer period than three months, a person shall be elected or appointed in the manner provided in section 6 to act in the place of such absent Trustee until he returns to Tuticorin, or ceases to be a Trustee. The person so appointed shall be subject to all the restrictions and be entitled to all the privileges to which the Trustee for whom he is acting was subject or entitled.

Appointment of acting Trustee.

(2) If any question arises whether any Trustee departed with such intention as is referred to in sub-section (1), the decision of the Local Government on the question shall be final.

Remuneration to Chairman or Vice-Chairman and acting Chairman or Vice-Chairman. 16. The Local Government may from time to time determine the remuneration, if any, to be paid as salary, leave allowances or other allowances to the Chairman or Vice-Chairman and to the person appointed under section 14 to act for the Chairman or Vice-Chairman during his absence on leave and may prescribe any conditions and restrictions upon and under which such remuneration shall be payable.

Fees payable to Chairman, Vice-Chairman and other Trustees. 17. The Local Government may prescribe from time to time the fees, if any, to be paid to the Chairman, Vice-Chairman and other Trustees for attendance at meetings and to prescribe conditions and restrictions upon and under which such fees shall be payable.

Provisions concerning Board's proceedings. 18. The following provisions shall be observed with respect to the proceedings of the Board, namely :—

Meetings, etc., for transaction of business. (1) The Board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management, and adjournment of its meetings, and generally with respect to the transaction of business, as it may think fit subject to the following conditions, namely :—

Ordinary monthly meetings. (a) that a meeting shall be held once at least in every month ;

Special meetings. (b) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting ;

Quorum. (c) that no business shall be transacted at any meeting unless at least five Trustees are present throughout such meeting ;

President at meetings. (d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, or the Vice-Chairman in his absence, and if and while both are absent, by such one of the Trustees present as may be chosen by the meeting ;

Decision of questions by majority of votes. (e) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes ;

- (f) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting ; Demand of poll.
- (g) that minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President of such meeting, and shall be open to inspection by any Trustee during office hours ; Minutes of proceedings.
- (h) that the President may, with the consent of any meeting, adjourn it ; Adjournment of meetings.
- (i) that a copy of the minutes of every meeting of the Board shall, as soon as conveniently may be, be sent for publication in the *Tinnevelly District Gazette* at the cost of the Board and a copy of the minutes shall also within three days of every meeting be transmitted to such Secretary to the Local Government as may from time to time be appointed to receive the same. Transmission of minutes to Government and their publication in gazette.
- (2) The Board may, from time to time appoint Committees consisting of not less than five of its number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions or limitations as may be defined by the Board. The Board may at any time alter the constitution of or discontinue any such Committee. Appointment of Committees by Board.
- (3) A Committee may elect a Chairman of its meetings, and if no such Chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of the meeting. Chairman at meetings of Committees.
- (4) Committees may meet and adjourn at their discretion, but the Chairman of the Board may whenever he thinks fit and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee. Meetings of Committees.
- (5) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman shall have a second or casting vote. Decisions of questions at meetings of Committees.
- (6) No business shall be transacted at any such meeting unless at least three of the members of the Committee are present throughout such meeting. Quorum in Committees.

19. (1) No Trustee shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board or of any Committee if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner, or in which he is interested professionally on behalf of a client or as agent for any person other than the Government, a local authority or a railway company. Restriction on power of Trustees to vote or discuss matters in which they are interested.

(2) If objection is made that any Trustee has in any question before the meeting such interest as is referred to in sub-section (1), the objection shall be considered and decided by the other Trustees in such manner as may be prescribed by the Local Government. The decision of the other Trustees shall be final.

(3) If objection is made to the Chairman that a Trustee voted on or took part in the discussion of any question contrary to the provisions of sub-section (1), the objection, unless, in pursuance of the resolution, a right in a third party has been created, shall be inquired into and decided in accordance with such rules as may be prescribed by the Local Government, and such decision shall be final. Pending such decision the resolution on the question shall not be given effect to. If the decision is that the Trustee voted or took part contrary to the provisions of sub-section (1), the resolution on the question shall not be given effect to.

Validation of
acts and
proceedings.

20. No act or proceeding of the Board or of any Committee or of any person acting as Chairman or Vice-Chairman shall be deemed to be invalid by reason only of some defect in the establishment of the Board or Committee or on the ground that any Trustee was disqualified for the office or by reason of such act having been done during the period of any vacancy in the office of Chairman or Vice-Chairman or of any Trustee.

Delegation
of powers to
Chairman or
Vice-Chair-
man.

21. The Board may, by resolution in writing, with the sanction of the Local Government, determine which of the powers and duties by this Act conferred or imposed upon the Board may be exercised and performed by the Chairman or Vice-Chairman.

Duties of
Chairman.

22. It shall be the duty of the Chairman—

- (1) to attend every meeting of the Board unless prevented by sickness or other reasonable cause ;
- (2) to exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board ;
- (3) subject to the regulations prescribed under sections 25 and 98 and to the schedule for the time being in force framed by the Board under section 24, to dispose of all questions relating to the service of the officers and servants of the Board, and their pay, privileges and allowances ;

Provided that, subject to the control of the Local Government, the Chairman may delegate all or any of these duties to the Vice-Chairman as may seem good to him from time to time.

23. Notwithstanding anything contained in this chapter, the Local Government may by notification direct that the Board shall elect, in such manner as may be prescribed, one of its Trustees as Vice-Chairman. Such Vice-Chairman shall hold office for the remainder of his term as Trustee. The provisions of sections 14 and 16 shall not apply to a Vice-Chairman elected under this section.

Power to Local Government to direct that Vice-Chairman be elected.

CHAPTER III.—OFFICERS AND SERVANTS OTHER THAN THE CHAIRMAN AND VICE-CHAIRMAN.

24. The Board shall, from time to time, prepare and sanction a schedule of the staff of officers other than the Chairman and Vice-Chairman and of servants whom the Board shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant.

Schedule of Board's staff.

Explanation.—Artizans, porters and labourers, and suppliers of porters and labourers are not officers and servants within the meaning of this section or of section 25 or 27.

25. (1) The Board may, from time to time, frame regulations—

Power to frame regulations regarding leave,

(a) for regulating the grant of leave to the officers (other than the Chairman or Vice-Chairman) and servants of the Board ;

(b) for authorizing the payment of allowances to the said officers and servants, or to any of them, whilst absent on leave ;

absentee allowances,

(c) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

acting allowances,

(d) for regulating the period of service of all such officers and servants ;

length of service,

(e) for determining the conditions under which such officers and servants or any of them may become entitled, on retirement, to pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances ;

pensions, etc., and

(f) for authorizing the payment of contributions at such rates and subject to such conditions as the Board may prescribe to any provident fund, which may, with the Board's approval, be established by the officers and servants appointed under this Act, or to such provident fund, if any, as may be established by the Board, with the approval of the Local Government, for the benefit of such officers and servants ;

contributions to provident fund,

Pensions in the case of subordinates injured or who died while in the service of the Board.

(g) for determining the conditions under which pensions, gratuities, or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants who died while in the service of the Board ; and

(h) generally for the regulation of similar matters.

(2) The regulations framed under clauses (e), (f) and (g) of sub-section (1) shall be subject to the approval of the Local Government.

(3) Subject to the provisions of section 100, all pensions, contributions and allowances mentioned in this section shall be chargeable to the general fund of the Board.

Power to frame regulations for artizans, porters, etc.

26. Notwithstanding anything contained in sections 24 and 25, the Board may, subject to the sanction of the Local Government, frame regulations of the nature mentioned in clauses (e) to (g) of section 25 for the benefit of artizans, porters and labourers and the suppliers of porters and labourers ; and subject to the provisions of section 100 all pensions, contributions and allowances payable under any such regulation shall be chargeable to the general fund of the Board.

Power to appoint, punish or grant leave to officers and servants.

27. (1) Subject to the regulations prescribed under section 25 and the schedule for the time being in force framed by the Board under section 24, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the Chairman or Vice-Chairman in such cases and subject to such restrictions as may be determined by the Local Government and in every other case by the Local Government.

(2) In the case of punishments inflicted by the Chairman or Vice-Chairman an appeal shall lie to the Board.

Power of dispensing with services or permitting retirement of officers or servants.

(3) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance shall, in the case of officers appointed by the Local Government, lie with the Local Government and in all other cases with the Board.

Prior sanction of Local Government to orders or regulations of Board.

28. Every order or regulation made by the Board under section 24, 25 or 27 shall, so far as the same relates to the Secretary, Engineer, Traffic Manager, or Chief Accountant of the Board, be subject to the previous sanction of the Local Government.

In this section the word " Engineer " means the Engineer of the highest grade on the Board's ordinary staff and also any one who may from time to time be employed as Consulting Engineer to the Board on a monthly salary.

CHAPTER IV.—PROPERTY OF THE BOARD.

29. On the coming into force of the whole of this Act, the Property several immovable properties specified in Schedule I and all movable property held by or vested in the Tuticorin Port Conservancy Board shall vest in the Board but subject to all charges and liabilities affecting the same.

30. (1) Subject to the provisions herein contained the Board shall, for the purpose of this Act, have the power to acquire and hold immovable or movable property, whether within or without the limits of the port, and also power to lease or sell any immovable or movable property which may have vested in or been acquired by it.

Power to acquire, hold or alienate property.

(2) Every acquisition of immovable property, not being an acquisition from the Secretary of State for India in Council, every sale and every lease for a term exceeding ten years of immovable property, shall be made with the previous sanction of the Local Government.

31. When any immovable property is required for the purposes of this Act, the Local Government may declare that such property is required for a public, and may order proceedings to be taken for obtaining possession of the same under the Land Acquisition Act, 1894. Such property, when so acquired, shall, on payment by the Board of the compensation awarded and all costs connected with its acquisition, be deemed to be vested in the Board.

Application of Land Acquisition Act.

CHAPTER V.—WORKS AND SERVICES.

32. The Board may execute such works and provide such appliances as it may determine to be necessary or expedient for the purposes of the port.

Power to execute works and provide appliances.

33. Such works and appliances may include—

- (1) wharves, quays, docks, stages, jetties and piers within the port or on the foreshore of the port, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways and approaches ;
- (2) railways, tramways, locomotives, rolling stock, sheds, warehouses and other accommodation for passengers and goods and other appliances within the port for carrying passengers and for conveying, receiving and storing goods landed, or to be shipped or otherwise ;
- (3) moorings for carrying out the purposes of this Act, and cranes, scales, and all other necessary means and appliances for loading and unloading vessels ;

General nature of works to be executed or appliances to be provided.

- (4) reclaiming, excavating, enclosing and raising any part of the foreshore of the port which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act ;
- (5) such breakwaters and other works within or without the limits of the port as shall be expedient for the protection of the harbour or port ;
- (6) dredgers and other machines for cleaning, deepening and improving any portion of the port or foreshore ;
- (7) pilot-boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port ;
- (8) vessels, steam tugs or other boats for use as well within the limits of the port as beyond those limits, whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound elsewhere, and for the purpose of saving or protecting life or property and for the purpose of landing, shipping or transshipping passengers or goods under section 40 ;
- (9) boats, barges and other appliances necessary in connexion with the supply of water to shipping in the port ;
- (10) engines and other appliances necessary for the extinguishing of fires in the port and on the property of the Board ;
- (11) all such other works and appliances as may be, in the opinion of the Board, expedient for carrying out the purpose of this Act.

Seagoing
vessels
compelled to
use wharves,
etc.

34. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in seagoing vessels, the Board may, with the previous sanction of the Local Government, by a notification published in three consecutive issues of the *Fort St. George Gazette* and one issue of the *Tinnevelly District Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping or for landing or for shipping, as the case may be, goods from and in seagoing vessels.

From and after such publication, the Board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any seagoing vessel within the port which has not commenced

to discharge cargo, or which, being about to take in cargo, has not commenced to do so. In making such order the Board shall have regard, as far as possible, to the convenience of such vessel and of the shippers, in respect of the use of any particular wharf, quay, stage, jetty or pier.

35. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Board may, with the previous sanction of the Local Government, by an order published in three consecutive issues of the *Fort St. George Gazette* and one issue of the *Tinnevelly District Gazette* direct that no goods shall be landed or shipped from or in any seagoing vessel within the port, save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order.

If accommodation sufficient, all seagoing vessels compelled to use wharves, etc.

36. Any officer appointed by the Board in this behalf may, in cases of emergency, or for any reason which appears to him sufficient by notice in writing, order the master or owner of any vessel not to bring such vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the Board, and, if such notice is not obeyed, the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding five hundred rupees for each day of twenty-four hours, or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier :

Power to order vessels not to come alongside of, or to be removed from wharves, etc.

Provided that, in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of twelve hours from the service of such notice as aforesaid on the master or owner of the vessel.

37. Notwithstanding anything contained in sections 34 and 35, the Local Government may, by notification in the *Fort St. George Gazette* and the *Tinnevelly District Gazette*, from time to time, permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period subject to such payments and on such conditions as they may think fit, and otherwise grant exemption from the provisions of such sections.

Power to Local Government to exempt from obligation to use wharves, etc., and

The Local Government may also, by like notification, cancel or modify any such notification.

The Local Government may also at any time require that any vessel belonging to or in the service of His Majesty or the Government of India shall be permitted to come alongside of any wharf, quay, stage, jetty or pier belonging to the Board in preference to all other vessels at the time in port ; and it shall be incumbent on the Board to give effect to any such requisition.

to require preference to be given to Government vessels.

Power to
order survey
or examina-
tion of
works.

38. The Local Government may, at any time, order a local survey, or examination of any works of the Board, or the intended site thereof. The cost of such survey and examination shall be borne and paid by the Board out of its general fund.

Power of
Local
Government
to restore or
complete
works at the
cost of
Board.

39. If, at any time, the Board allows any work or appliance constructed or provided by or vested in it to fall into disrepair,

or does not, within a reasonable time, complete any work commenced by it or included in any estimate sanctioned by the Local Government,

or does not, after due notice in writing, proceed to carry out effectually any work or repair or to provide any appliance which is necessary in the opinion of the Local Government for the purposes of this Act,

the Local Government may cause such work to be restored or completed or carried out, or such repair to be carried out, or such appliance to be provided ; and the cost of any such restoration, completion, construction or provision shall be paid by the Board ; and if the Board does not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in the Local Authorities Loans Act, 1914.

IX of 1914

Performance
of service
by the
Board.

40. (1) The Board shall, according to its powers, provide all reasonable facilities for and shall have power to undertake the following services :—

(a) landing, shipping, or transshipping passengers and goods between vessels in the port and the wharves, piers, quays or docks in possession of the Board ;

(b) receiving, removing, shifting, transporting, storing or delivering goods brought within the Board's premises ;

(c) carrying passengers by rail, tramway or otherwise within the limits of the port, subject to such restrictions and conditions as the Local Government may see fit to impose ; and

(d) receiving and delivering, transporting and booking and despatching goods originating in the vessels in the port and intended for carriage by the neighbouring railways, or *vice versa*, as a railway company or administration under the Indian Railways Act, 1890.

IX of 1890.

(2) The Board shall, if so required by any owner, perform in respect of goods all or any of the services mentioned in clauses (a), (b) and (d) of sub-section (1), which it shall have

undertaken ; provided that the Board shall not be bound to perform any service which it has relinquished under the provisions of clause (a) of sub-section (1) of section 42.

(3) The Board shall, if required, take charge of the goods for the purpose of performing the service and shall give a receipt in the form and to the effect prescribed from time to time by the Local Government.

After any goods have been taken charge of and a receipt given for them under this section, no liability for any loss or damage which may occur to them shall attach to any person to whom a receipt shall have been given or to the master or the owner of the vessel from which the goods have been landed or transhipped.

41. (1) The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also, in the case of goods received for carriage by railway, to the provisions of the Indian Railways Act, 1890, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, omitting the words "in the absence of any special contract" in section 152 of the last-mentioned Act. Provided that, till the receipt mentioned in sub-section (3) of section 40 is given by the Board, the goods shall be at the risk of the owner.

Responsi-
bility of
Board for
loss, etc.,
of goods.

IX of 1890.

IX of 1872.

(2) The Board shall not be in any way responsible for loss of or damage to goods of which it has taken charge, unless notice of such loss or damage shall have been given within one month of the date of the receipt given for the goods under sub-section (3) of section 40.

42. (1) The Board may, subject to the sanction of the Local Government and to such conditions as the Local Government may prescribe,

Relinquish-
ment of
services
subject to
the control
of the Local
Govern-
ment.

(a) enter into an agreement relinquishing the performance of any of the services specified in clauses (a) and (b) of sub-section (1) of section 40 to an approved person, or,

(b) enter into an agreement accepting a greater or less liability than that imposed on the Board by sub-section (1) of section 41.

(2) Every agreement entered into under this section shall be in writing and signed by or on behalf of the parties concerned.

(3) No person to whom the performance of any service specified in clause (a) or (b) of sub-section (1) of section 40 is relinquished shall charge or recover for such service any sum in excess of the amount leviable according to the scale framed under section 44, section 45 or section 46 if such service were performed by the Board.

(4) Notwithstanding such relinquishment, the Board may charge dues according to the scales laid down in sections 44, 45 and 46 for the use of its works or appliances or for other services connected with that which has been relinquished without thereby incurring any liability under section 41.

Performance of services by persons to whom the services have been relinquished by the Board.

43. (1) Any person to whom any or all of the services under clauses (a) and (b) of sub-section (1) of section 40 has or have been relinquished under section 42, shall, if so required by the owner, perform in respect of goods any of the services so relinquished and for that purpose take charge of the goods and give a receipt in the form prescribed by the Local Government.

(2) The responsibility of any such person for the loss, destruction or deterioration of goods of which he has taken charge shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

X of 1872.

CHAPTER VI.—LEVY AND RECOVERY OF RATES.

Scale of rates.

44. The Board shall frame a scale of rates at which and a statement of the conditions under which any of the services specified hereunder shall be performed by itself or by a person to whom any service has been relinquished under section 42 or partly by one and partly by the other :—

- (a) transshipping of passengers or goods between vessels in the harbour ;
- (b) landing and shipping of passengers or goods from or to such vessels to or from any wharf, quay, pier, dock, land or building in the possession or occupation of the Board or at any place within the limits of the port ;
- (c) crantage or portorage of goods on any such place ;
- (d) wharfage, storage or demurrage of goods on any such place ;
- (e) any other service in respect of vessels, passengers or goods.

Scale of rates and statement of conditions for use of property belonging to the Board.

45. The Boards shall also frame a scale of rates on payment of which and a statement of conditions under which any property belonging to or in the possession or occupation of the Board or any place within the limits of the port may be used for the purposes specified hereunder :—

- (a) approaching or lying at or alongside any moorings, wharf, quay, pier, dock, land, buildings or place as aforesaid by vessels or boats ;
- (b) entering upon or plying for hire at or on any wharf, quay, pier, dock, land, building or place as aforesaid by animals or vehicles carrying passengers or goods ;

- (c) leasing of land or sheds by owners of goods imported or intended for export or by steamer agents ;
- (d) any other use of any land, works or appliances belonging to or provided by the Board.

46. The Board may frame a consolidated scale of rates for any combination of the services specified in section 44 or for any combination of such service or services with any user or permission to use any property belonging to or in the possession or occupation of the Board, as specified in section 45. Consolidated rates for combination of services.

47. (1) Every scale and every statement of conditions framed by the Board under section 44, section 45 or section 46 shall be submitted to the Local Government for sanction ; and, when so sanctioned and published in the *Fort St. George Gazette*, shall have the force of law ; and subject to the like sanction and publication may from time to time be amended or added to by the Board. Prior sanction of Local Government to such scales.

(2) The Board may, in special cases, with the previous sanction of the Local Government, remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section. It may also on its own initiative correct mistakes, remit overcharges made in its bills, and write off irrecoverable sums up to a limit of two hundred rupees in each case. Remission of rates in special cases.

(3) In respect of any item of any scale of rates framed under the powers conferred by section 44, section 45 or section 46 the Board, with the previous sanction of the Local Government, may fix maximum and minimum rates, and may levy any charges not exceeding the maximum and not below the minimum thus fixed. Power to fix maxima and minima rates.

48. No person shall be entitled to a refund of an overcharge unless his claim to the refund has been preferred in writing by him or in his behalf to the Board within six months from the date of payment. Refund of overcharges.

49. (1) If, on the preparation of the estimate of any year, it appears that the estimated income of the Board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which may be payable by the Board during such year to the Secretary of State for India in Council or to any other creditor, and of any sinking fund established under section 75 and of any sum the repayment of which is due in pursuance of any terms under section 67 : Power to increase rates to cover deficiency of revenue.

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year after

deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient for the payment of the said interest, sinking funds and sums due :

the Board may, and upon the requisition of the Local Government, shall increase the rates for the time being in force to such extent as will render the estimated income of the year sufficient, as nearly as may be, for the payment in full of the said interest, sinking funds and sums due.

(2) Such increased rates shall be fixed by the Board, and shall be submitted to the Local Government, and, if approved by the Local Government, shall be published in the *Fort St. George Gazette*, and shall become leviable after the expiration of one month from the date of such publication, and continue leviable until altered by the Board with the sanction of the Local Government.

Power of
Local
Government
to enhance
rates if
Board fails
to do so.

50. If the Board shall, for fifteen days after the receipt by the Chairman of any such requisition from the Local Government, neglect or refuse to submit to the Local Government for approval such increased rates, the Local Government may, by notification in the *Fort St. George Gazette*, increase such rate as they think fit ; and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed under section 44, section 45 or section 46 and sanctioned and published under section 47.

Board not to
lease rates
without
sanction.

51. The Board shall not lease, farm, sell or alienate any power vested in it under this Act of levying rates without the assent of the Local Government.

Fines and
penalties
payable to
Board.

52. All fines and penalties recovered under this Act shall be paid to the Board.

Payment of
balance of
Tuticorin
Port Fund
to Board.

53. The Local Government may in their discretion at any time direct that the whole or any portion of the balance of the moneys which may be credited under the Indian Ports Act, 1908, to the account of the Port Fund, if any, which may be formed for the Port of Tuticorin, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the Board for the purpose of this Act. XV of 1908.

Time for
payment of
rates on
goods.

54. Rates in respect of goods to be landed shall be payable immediately on the landing of the goods ; in respect of goods to be removed from the premises of the Board or to be shipped for export, or transhipped, before the goods are removed or shipped or transhipped.

Lien for
rates.

55. For the amount of all rates leviable under this Act in respect of any goods, and for the rent due to the Board on any buildings, plinths, stacking areas or other premises

on or in which any goods may have been placed, the Board shall have a lien on such goods, and may seize and detain the same until such rates are fully paid.

56. Such lien shall have priority over all other liens and claims, except for general average and for the shipowner's lien upon the said goods for freight and other charges, where such lien exists and has been preserved in the manner provided in section 57, and for primage, and for money payable to His Majesty or the Secretary of State for India in Council.

Priority of
lien of
Board over
other liens
and claims.

57. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any dock, wharf, quay, stage, jetty or pier in the occupation of the Board, gives to the Board notice in writing that such goods are to remain subject to a lien for freight or other charges including landing charges payable to the shipowner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

Preserva-
tion of lien
for freight
after goods
are landed.

58. Such goods shall be retained in the custody of the Board, or with the consent of the Chief Officer of Customs in the public customs wharves and warehouses, at the risk and expense of the owners of the said goods until such lien is discharged as hereinafter mentioned; and godown or storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

Retention of
such goods
until lien is
discharged.

59. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien, provided that the Board shall have used reasonable care in respect to the authenticity of such document.

Discharge of
shipowner's
lien for
freight.

60. The Board may, after the expiry of two months from the time when any goods have passed into its custody, or in the case of perishable goods after the expiry of such shorter period not being less than 24 hours as the Board may think fit, sell by public auction so much as may be necessary of such goods,

Sale of goods
after two
months if
rates or
rents are not
paid or lien
for freight is
not dis-
charged.

- (a) if any rates payable to the Board in respect of such goods have not been paid; or
- (b) if any rent referred to in section 55 in respect of any place on or in which such goods have been stored has not been paid; or
- (c) if any lien of any shipowner for freight or other charges of which notice has been given has not been discharged and if the person claiming such lien for freight or other charges has made an application for such sale.

Notice of
sale.

61. Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Tinnevely District Gazette*, unless the goods are of so perishable a nature as, in the opinion of the Board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

Notice of
sale to
owner.

62. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by registered letter ; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application
of sale-
proceeds.

63. (1) The proceeds of every such sale shall be applied as follows :—

- (a) in payment of the expenses of the sale ;
- (b) in payment, according to their respective priorities, of the liens and claims excepted in section 56 from the priority of the lien of the Board ;
- (c) in payment of the rates and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Board in respect thereof.

(2) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same ; provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made ; and, in case such application shall not be so made or reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act.

Recovery of
rates and
charges by
distrain of
vessel.

64. If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any by-laws, rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, it shall be lawful for the Board to distrain or arrest on its own authority such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due is paid ;

and, in case any part of the said rates or penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest has been so made, the Board may cause the vessel or other thing so distrained or arrested to be sold, and,

with the proceeds of such sale, shall satisfy such rates or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

65. If the Board gives to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of rates or penalties chargeable under this Act, or under any by-laws, rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Grant of port-clearance after payment of rates.

66. Notwithstanding anything contained in the twelve sections last preceding and in sections 111, 112 and 114 the Board may recover by suit any rates, damages, expenses, costs or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof.

Alternative remedy by suit.

CHAPTER VII.—THE BORROWING POWERS OF THE BOARD.

67. (1) The Board may, with the previous sanction of the Local Government, and, in the case of a loan of an amount of not less than five lakhs of rupees, of the Governor-General in Council, and after due notification in the *Fort St. George Gazette*, raise loans for the purposes of this Act.

Power to raise loans.

(2) Loans may be raised in the open market on Port Trust Securities or obtained from the Local Government or the Government of India. The terms of all loans shall be subject to the approval of the Governor-General in Council.

68. (1) The Board may, with the sanction of the Local Government, prescribe the form in which Port Trust Securities shall be issued, the mode in which, and the conditions subject to which they may be transferred.

Port Trust Securities.

(2) The right to sue in respect of moneys secured by Port Trust Securities shall be exercisable by the holders thereof for the time being without preference in respect of priority of date.

69. The provisions of sections 4, 5, 8, 9, 10 and 15 of the Indian Indian Securities Act, 1920, shall *mutatis mutandis* apply to all securities issued by the Board subject in the case of section 9 to the substitution of the words "Local Government" for the words "Governor-General in Council" and subject in the case of sections 10 and 15 to the understanding that the word

Indian Securities Act applicable to Port Trust Securities.

“prescribed” shall mean “prescribed by the Local Government or by the Board with the sanction of the Local Government.”

Power to
frame rules.

70. (1) The Board may from time to time make rules to provide for all or any of the following matters, viz. :—

- (a) the person, if any, authorized to sign, the mode of affixing the corporate seal and of attestation of documents relating to Port Trust Securities ;
- (b) the manner in which payment of interest in respect of Port Trust Securities is to be made and acknowledged ;
- (c) the circumstances and the manner in which Port Trust Securities may be renewed ;
- (d) the circumstances in which such securities must be renewed before further payment of interest thereon can be claimed ;
- (e) the form in which securities delivered for renewal and conversion are to be receipted ;
- (f) the proof which is to be produced by persons applying for duplicate securities ;
- (g) the form and manner of publication of the notification mentioned in sub-section (2) of section 10 of the Indian Securities Act, 1920, as applied to Port X of 1920. Trust Securities and the manner of publication of the list mentioned in sub-section (3) of that section ;
- (h) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures alleged to have been wholly or partly lost or destroyed, or for the issue of duplicate debentures ;
- (i) the conditions subject to which Port Trust Securities may be converted ;
- (j) the amounts for which stock certificates may be issued ;
- (k) generally, all matters connected with the grant of duplicate, renewed and converted securities ;
- (l) the fees to be paid in respect of the issue of duplicate securities and of the renewal and conversion of Port Trust Securities ; and
- (m) the fees to be levied in respect of the issue of stock certificates.

(2) The power to make rules under sub-section (1) is subject to the following conditions :—

- (i) A draft of the rules shall be published in three consecutive issues of the *Fort St. George Gazette*.

(ii) The same shall have no effect until approved by the Local Government after such publication and until such approval has also been published in the *Fort St. George Gazette*.

(iii) The Local Government may at any time by notification cancel any rule published under the provisions of this section.

71. All loans contracted by the Board shall be raised in India, and in Indian currency, unless the Local Government, with the previous sanction of the Governor-General in Council, shall, by a notification in the Gazette, otherwise direct.

Place and
currency of
loans raised.

72. All loans may be raised on the security of—

(a) the property now vested, or which may hereafter become vested in the Board, other than any sums set apart by the Board as a sinking fund for the purpose of paying off any loan ; and

(b) the tolls, dues, rates, rents and charges leviable under this Act.

Security for
loans.

73. The Secretary of State for India in Council shall have, in respect of loans made by him to the Board, the same remedies as debenture-holders ; and he shall not be deemed to possess any prior or greater rights in respect of such loans than debenture-holders.

Remedies of
Secretary of
State in
respect of
loans made
to Board.

74. The Board may apply any sum, not less than ten thousand rupees which can be so applied without prejudicing the security of the other debenture-holders of the Board, in repaying to the Secretary of State for India in Council any sum which may remain due to him in respect of the principal of any loan before the time fixed for the repayment of the same.

Power to
repay loans
before due
date.

On any such repayment being made, the portion of any subsequent instalment which represents interest shall be reduced to such an amount as represents interest on the outstanding principal.

75. In the case of loans raised by the Board which are not repayable before the expiration of one year from the date of the loan, the Board shall set apart half-yearly out of its income as a sinking fund a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the Governor-General in Council shall have been obtained, exceed thirty years ; but the maximum period shall not in any case exceed sixty years. Provided that a sinking fund need not in the absence of any stipulation to that effect be established in the case of loans taken from the Secretary of State for India in Council.

Establish-
ment of
sinking
fund.

Investment
sinking of
fund.

76. (1) The sums so set apart shall be invested in securities of the Government of India, or in Port Trust Securities, and shall be held in trust for the purposes of the Act by two trustees, one being the Board and the other a person appointed by the Local Government.

Application
of sinking
fund.

(2) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that it pays into the fund in each year, and accumulates until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

Examina-
tion of
sinking
fund.

77. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant-General, Madras, who shall ascertain whether the cash and the current value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant-General may certify to be deficient.

Power to
raise loans
on short
term bills.

78. Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914.

CHAPTER VIII.—EXPENDITURE.

Objects on
which
Board may
spend
money.

79. (1) Subject to the provisions of section 99 and to any other law for the time being in force, the rents, income, and other proceeds of any property vested in, or acquired by, the Board under this Act, and all moneys acquired by the Board under or by virtue of this Act shall be applied by the Board as follows and in the following order, namely :—

- (a) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the Chairman, Vice-Chairman, officers and servants appointed under this Act, and the contributions, if any, authorized to be made to any provident fund established for the benefit of the said officers and servants ;
- (b) the cost of repairs to and the maintenance of the property vested in the Board, and all charges upon the same and all working expenses ;
- (c) the payment of any interest which is from time to time owing by the Board ;

- (d) payments to sinking funds and the repayment of the principal of loans as they fall due ;
- (e) the cost or portion of the cost of any new work, plant, vessel, or appliance which the Board may determine to charge to revenue ;
- (f) the remuneration of the members of the Board ;
- (g) generally for the purposes of this Act.

(2) The Board may, with the special sanction of the Local Government, incur expenditure on the provision of amenities for the recreation of its employees, or otherwise for the promotion of their well-being.

80. (1) The Board may, from time to time, set aside such sums out of its revenue surplus, as it thinks fit, as a reserve fund or funds for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purposes of replacement, or for meeting expenditure arising from loss or damage from fire, shipwreck or other accident, or for any other emergency arising in the ordinary conduct of its work under this Act :

Establishment of reserve fund.

Provided that the sums set aside as a reserve fund or funds shall not exceed such amount, annual or in the aggregate, as may from time to time be fixed by the Local Government.

(2) Such reserve fund or funds may be invested only in the promissory notes and other securities of the Government of India, or in Port Trust Securities.

81. No expenditure shall be charged by the Board to capital without the previous sanction of the Local Government.

Prior sanction of Local Government to charge expenditure to capital.

82. Before any new work or appliance the estimated cost of which exceeds two thousand rupees, is commenced or provided by the Board, or any contract in respect of any such new work or appliance is entered into by the Board, a plan of and estimate for such work or appliance shall be submitted to, and approved by the Board ; and, if the estimated cost of such new work or appliance exceeds twenty-five thousand rupees, the sanction of the Local Government to the plan and estimate shall be obtained before such work is commenced, or appliance provided.

Works requiring sanction of Board or Local Government.

83. Save in a case requiring immediate action, the Board shall not, without the assent of the Local Government, spend on any item of expenditure any greater sum than shall have been allotted for that item in an estimate approved by the Local Government and for the time being in force.

Restriction of expenditure to budget grant.

Limit to
excess of
expenditure
over budget
grant.

84. (1) In a case requiring immediate action the Board may, without the assent of the Local Government, spend on any item of expenditure on which the Board is empowered to spend money under this Act

(i) any sum not exceeding five thousand rupees in excess of any sum which may have been allotted for that item in an estimate approved by the Local Government and for the time being in force ;

(ii) any sum not exceeding five thousand rupees on any item for which no funds have been allotted in any such estimate.

(2) Whenever the Board sanctions any expenditure under sub-section (1) the Chairman shall forthwith report to the Local Government the circumstances of the case and the manner in which the Board proposes to meet the expenditure.

CHAPTER IX.—ACCOUNTS, ESTIMATES AND CONTRACTS.

Audit and
examina-
tion of
accounts.

Power of
auditors to
call for
books, etc.

85. The accounts of the receipts and expenditure of the Board shall, once in every year, be laid before the Local Government and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Local Government. For the purposes of any such audit and examination of accounts, the auditors may by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary ; and may require any person holding or accountable for any such books, deeds, contracts, vouchers, documents, or papers to appear before them at any such audit and examination or adjournment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof.

Publication
of audit
report.

86. Within fourteen days after the audit and examination have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of their report to the Local Government and to the Board. The Board shall cause the report and an abstract of the accounts to be published in the *Fort St. George Gazette* and the *Tinnevely District Gazette*.

Auditors'
remunera-
tion.

87. The auditors shall be paid by the Board such remuneration as the Local Government may determine.

Submission
to Board
of annual
estimate of
income and
expenditure.

88. The Chairman shall, at a special meeting to be held on or before the twentieth day of January in each year, lay before the Board an estimate of the income and expenditure of the Board for the financial year then next ensuing. Every such estimate shall be in such form as the Local Government may prescribe.

89. Such estimate shall be printed, and a copy thereof sent by post or otherwise to each Trustee not less than ten clear days prior to the day appointed for the special meeting before which the estimate is to be laid under section 88.

Circulation
of estimate
to Trustees.

90. It shall be in the discretion of the Board, at such meeting, to pass or to reject the estimate, or to modify or alter it, and to pass it as so modified or altered.

Revision
and passing
of estimate.

91. (1) Every such estimate, when so passed by the Board, shall be submitted to the Local Government not later than the tenth day of February ; and the Local Government may either approve the estimate, or may return it with remarks and may call for such additional information as they may deem necessary ; and the Board shall forthwith proceed to reconsider the estimate with reference to such remarks, and shall furnish such additional information as the Local Government may call for and shall, if necessary, modify or alter the estimate and shall re-submit it to the Local Government.

Approval of
estimate by
Local Govern-
ment.

(2) The Local Government shall then pass, reject or modify all or any of the items entered in the estimate or add thereto any items. Provided that no such modification, rejection or addition be inconsistent with provisions of this Act or involve the raising of a loan.

92. The Board may, in the course of any year for which an estimate has been approved by the Local Government, cause one or more supplemental estimates for the residue of such year to be prepared and laid before the Board ; the procedure prescribed by sections 89, 90 and 91 shall, so far as it may be applicable, be followed in the case of such supplemental estimates.

Preparation
of supple-
mental
estimates.

93. (1) Subject to the provisions of sub-section (2), the Board may enter into any contract for carrying into effect the purposes of this Act.

Power to
enter into
contracts.

(2) Where the sum payable under any such contract exceeds twenty-five thousand rupees, the Board shall enter into the contract only with the assent of the Local Government.

94. Subject to such restrictions or conditions as the Board may determine, every contract for and on behalf of the Board shall be executed by the Chairman or Vice-Chairman in such manner and form as if such contract were on his own behalf.

Mode of
executing
contract.

95. The Board may compound or compromise any claim or demand arising out of any contract entered into by the Board or any action or suit instituted by or against the Board.

Power to
compound
or compro-
mise claims.

CHAPTER X.—PILOTS AND HARBOUR-MASTERS.

96. The Board shall have the right and privilege of maintaining pilots or harbour-masters for the navigation of vessels at the port, and all fees for pilotage shall be paid to the Board.

Pilotage
fees.

Appoint-
ment of
pilots.

97. No person shall be appointed as pilot or harbour-master who is not for the time being authorized by the Local Government under the provisions of the Indian Ports Act, 1908, to pilot vessels.

Rules and
regulations
regarding
pilots.

98. (1) Notwithstanding anything contained in sections 24, 25 and 27, the Board may make special regulations for regulating the behaviour and conduct of pilots or harbour-masters, and may provide that any breach thereof shall render the person committing it liable to a penalty not exceeding two hundred rupees in addition to such punishment in the form of suspension, dismissal or the like as the Board may deem expedient to inflict.

(2) Such regulations shall have no effect until they have been approved by the Local Government and published in the *Fort St. George Gazette*.

Pilotage
account.

99. In the accounts of the Board, a pilotage account shall be kept separate from the general account. All fees for pilotage and all fines and penalties levied under this Act from pilots or harbour-masters or other persons employed in the pilot service shall be credited to the pilotage account.

Expendi-
ture on
pilotage.

100. All sums credited to the pilotage account under section 99 may be applied, in such proportions as the Board may from time to time direct, to the following purposes only, namely :—

- (1) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the Board may deem it necessary to maintain or supply for the efficiency of the pilot service ;
- (2) the payment of the salaries and allowances of pilots or harbour-masters and other officers and servants of the Board employed in the pilot service or in the supervision thereof ;
- (3) the payment of pensions or retiring gratuities or compassionate allowances to pilots or harbour-masters and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any provident fund ;
- (4) the payment of pensions, gratuities, and compassionate allowances granted by the Board to pilots or harbour-masters and other officers and servants engaged in the pilot service, who have been injured in the execution of their duty and to the surviving relatives of pilots or harbour-masters, officers and servants so engaged, who may die in the service of the Board.

CHAPTER XI.—BY-LAWS.

101. The Board may, from time to time, make by-laws not inconsistent with the provisions of this Act or of the Indian Ports Act, 1908—
 xv of 1908. Power to frame by-laws.

- (1) for the guidance of persons employed by the Board under this Act ;
- (2) for the safe and convenient use of the docks, wharves, quays, jetties, sheds, warehouses, railways, tramways, and other works constructed by or vested in the Board under this Act ;
- (3) for the use of the public landing places constructed by or vested in the Board ;
- (4) for the reception, portorage, storage and removal of goods brought within the premises of the Board and for the exclusive conduct of these operations by the Board or persons employed by the Board ;
- (5) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon ;
- (6) for the mode of the payment of the rates leviable under this Act ;
- (7) for regulating, declaring and defining the docks, wharves, quays, jetties, stages, and piers vested in the Board on which goods shall be landed from vessels and shipped on board vessels ;
- (8) for regulating the lighterage of cargo between ships, or between ships and shore or between shore and ships ;
- (9) for the exclusion from its premises of disorderly or other undesirable persons and of trespassers ; and
- (10) generally for carrying out the purposes of this Act.

102. No by-law, or alteration or revocation of a by-law, shall have effect until the same has been published in three successive issues of the *Fort St. George Gazette* and one issue of the *Tinnevelly District Gazette* and has been approved by the Local Government. Validity of by-laws.

103. The Board may provide that a breach of any by-law shall be punishable with fine which may extend to one hundred rupees and in case of a continuing breach with fine which may extend to fifty rupees for every day during which the breach continues after conviction for the first breach. Penalties for infringement of by-laws.

104. The Board shall cause the said by-laws and the scales of rates leviable by the Board together with a statement of the conditions under which it is prepared to render services or to provide for services to be rendered to be hung up at the several wharves, docks, and piers and other convenient places on the premises of the Board. Exhibition of by-laws and scales of rates and charges.

Cancellation
of by-laws.

105. The Local Government may, by an order published in the *Fort St. George Gazette* and the *Tinnevely District Gazette* at any time, annul any such by-law.

CHAPTER XII.—PENALTIES.

Penalty for
"being inter-
ested in
contracts
with
Board.

106. Any person who, being a Trustee or an officer or servant of the Board, shall, in any case not covered by clause (e) of sub-section (1) of section 8, acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Board, shall be deemed to have committed an offence punishable under section 168 of the Indian Penal Code.

XLV of 1860

Penalty for
obtaining
illegal
gratifica-
tion.

107. Any officer or servant of the Board, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person; or for rendering or attempting to render any service or disservice to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

XLV of 1860

Penalty
for refusing
or neglecting
to appear
before an
auditor of
accounts.
etc.

108. Any person who, when duly required so to do by any auditor of accounts under section 85, shall refuse or neglect to appear before such auditor or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable for every such neglect or refusal with fine which may extend to one hundred rupees.

Penalty for
infringement
of section 34,
35 or 37.

109. Whoever infringes any order issued under section 34 or 35 or violates any condition imposed under section 37 shall be punished with fine which may extend from ten to one hundred rupees; if the infringement or violation be continuing, with a further fine which may extend to one hundred rupees for every day during which such infringement or violation continues.

Penalty for
depositing
filth, etc., on
the wharves
or foreshore.

110. Any person who without licence of competent authority wilfully deposits, or permits his servants to deposit any dust, dirt, dung, ashes, refuse or filth of any kind, or broken glass, earthenware, or rubbish, in or upon any wharf, dock or pier in the possession of the Board, or in or upon any part of the foreshore of the port shall be punishable with fine which may extend to ten rupees for each offence.

111. (1) Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of the Local Government to his so doing, make, set up or fix, within the limits of the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection, remain after notice to remove the same has been given to him.

Penalty for setting up wharves, quays, etc., without permission.

(2) Any such wharf, quay, pier, mooring or other erection within the limits of the port may be removed by the Board and the person who made, set up, or fixed the same, shall be liable to pay all expenses which may be incurred by the Board in the removal thereof. Such expenses shall, on the application of the Board, be recoverable under a Magistrate's warrant as if the amount were a fine inflicted by such Magistrate.

112. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight, quantity or description of such goods has been understated or incorrectly given in any document presented to any officer of the Board for the purpose of enabling him to determine the rates payable in respect of the said goods, the owner of such goods shall be liable to pay to the Board such sum not exceeding twice the proper rates on the whole weight or quantity of the consignment of goods so understated or incorrectly described, as may be determined by the Board, and the said sum shall, on the application of the Board, be recoverable under a Magistrate's warrant as if it were a fine inflicted by such Magistrate.

Penalty for understating quantity or weight of goods, or incorrectly describing them.

113. Any person who removes or attempts to remove, or abets the removal of, any vessel or goods with the intention of evading payment of the rates lawfully due in respect thereof to the Board, shall be punishable with fine which may extend to fifty rupees.

Penalty for evading rates, etc.

114. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel : Provided that no Magistrate shall issue such a warrant until the master of the vessel has been summoned to appear before him and, if he appears, until he has been heard ; and provided also that no such warrant shall issue if the vessel was at the time under

Recovery of value of damage to property of Board.

the orders of a duly authorized servant of the Board or officer in the pilot service of the port unless the damage caused was in no way attributable to the order, act or improper omission of such servant or officer.

Cognizance
of offences
against Act
or by-laws.

115. Save as otherwise provided, no Magistrate other than a Magistrate of the first or second class shall try any offence against this Act or against any by-law published under section 102.

CHAPTER XIII.—MISCELLANEOUS.

Saving of
power of
Customs
Collector
under exist-
ing law.

116. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force.

Limitation of
proceedings
in respect of
things done
under the
Act.

117. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act until the expiration of one month after notice in writing has been given to him stating the cause of action or after the expiration of six months from the date on which the cause of action for such suit or proceeding arose.

Saving of
liability of
Board for
acts of
officers
or servants.

118. (1) The Board shall not be liable for any act or default of any officer or servant appointed under this Act, or under the Indian Ports Act, 1908, if the Board be appointed by Govern- X of 1908.
ment under the Indian Ports Act to be Conservator of the Port, or of any person acting under the authority or direction of any such officer unless such act or default is done or made under the direction of the Board ;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board ;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bona fide* done, or ordered to be done by them in pursuance of this Act.

(2) Notwithstanding anything contained in sub-section (1), the Board may, in any special case, with the sanction of the Local Government, award compensation to any person for any act done, default made or damage caused by the Board or any of its employees.

Power of
Local
Government
to make
rules under
the Act.

119. (1) The Local Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

(a) the qualifications of persons to be elected as Trustees of the Board ;

- (b) the salary and allowances to be paid to the Chairman, Vice-Chairman and persons appointed to act during their absence on leave and the conditions and restrictions upon and under which the same are payable ;
- (c) the fees payable to the Chairman, Vice-Chairman and other Trustees of the Board for attendance at meetings and the conditions and restrictions upon and under which such fees are payable ;
- (d) the enquiry into and decision of objections referred to in section 19 ;
- (e) the conditions subject to which the Board may relinquish the performance of any of the services specified in clauses (a) and (b) of sub-section (1) of section 40 or enter into any agreement accepting a greater or less liability than that imposed on the Board by sub-section (1) of section 41 ;
- (f) the form of the receipt to be given under sub-section (3) of section 40 by the Board, or under sub-section (1) of section 43 by a person to whom any services have been relinquished ; and
- (g) the form of annual estimates of income and expenditure to be laid before the Board under section 88.

(3) The power to make rules under this section is subject to the following conditions :—

- (a) a draft of the rules shall be published in the *Fort St. George Gazette* and the *Tinnevely District Gazette* ;
- (b) such draft shall not be further proceeded with until one month after such publication ;
- (c) all rules made under this section shall be published in the *Fort St. George Gazette* and the *Tinnevely District Gazette*, and upon such publication shall have effect as if enacted in this Act.

120. The Chairman shall supply such returns and information as may be called for by the Local Government for the purposes of this Act.

Submission of returns and information to Local Government.

121. If, at any time, it appears to the Local Government that the works intended to be executed by the Board under this Act have not been, and are not likely to be, properly carried out or maintained by the Board, the Local Government may give six months' notice, by order published in the *Fort St. George Gazette*, that unless, within that period, the Board take measures to the satisfaction of the Local Government for the

Power of Local Government to take possession of works and cancel powers of Board.

carrying out or maintenance of the said works, the powers by this Act conferred on the Board shall, at the end of such period, be withdrawn or revoked. If, at the end of such period, the Board has not taken such measures, the Local Government may assume possession and management of the works already constructed, and may, by a like notification, declare the powers of the Board to be withdrawn or revoked; and upon publication of such notification, all immovable and movable property, all rights of levying and recovering rates and penalties, all benefit of contracts, and all rights of suit which at the time are vested in the Board, shall be transferred to, and vested in, the Secretary of State for India in Council; and the rights of all creditors of the Board under this Act shall continue as against the Secretary of State for India in Council to the extent of the property so transferred to and vested in him.

SCHEDULE I.

(See section 29.)

The Properties vested in the Board.

1. All that piece or parcel of land between the Imperial Bank of India buildings to the south and the beach opposite to Messrs. Ralli Brothers' buildings to the north enclosed by fencing, with the buildings, structures and appliances thereon, excepting the covered goods shed, combustible shed and passengers baggage shed belonging to the Customs Department and the plague disinfection shed of the Port Health Department.

2. Resurvey Nos. 392-2 and 392-3 of Tuticorin village, comprising an area of 128.43 acres.

3. Resurvey No. 394 of Tuticorin village, comprising an area of 105.59 acres.

4. Resurvey Nos. 347 to 369 and 790 of Mullakad village, comprising an area of 949.26 acres.

5. Old Survey No. 393 of Tuticorin village, comprising an area of 0.30 acre.

6. All the unsurveyed and swampy land between resurvey Nos. 349, 350, 354, 355, 790 and 369 of Mullakad village and the sea.

7. All the unsurveyed and swampy land south of the Travellers' bungalow, east of Kuthalalingam Chettiyyar's salt factory and north of the Uppar Odai mouth.

8. All the unsurveyed and swampy land lying to the south of the Uppar Odai and east of Milavittan village.

MADRAS ACT No. III OF 1924.¹

[THE MADRAS STAGE CARRIAGES AND HACKNEY CARRIAGE
(AMENDMENT) ACT, 1924.]

[11th November, 1924.]

An Act to repeal the Stage Carriages Act, 1861, in its application to the Presidency of Madras and amend the Madras Hackney Carriage Act, 1911.

India Act
XVI of 1861,

Madras Act V
of 1911.

WHEREAS it is expedient to repeal the Stage Carriages Act, 1861, in its application to the Presidency of Madras, and amend the Madras Hackney Carriage Act, 1911, and WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows:—

1. This Act may be called the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924.

2. The Stage Carriages Act, 1861, is hereby repealed to the extent it applies to the Presidency of Madras.

Repeal of
the Stage
Carriages
Act, 1861.

3. In the title of the Madras Hackney Carriage Act, 1911 (hereinafter referred to as the said Act), the words "in the town of Madras" shall be omitted.

Amendment
of the title
of Madras
Act V of
1911.

4. For sub-sections (2) and (3) of section 1 of the said Act, the following shall be substituted, namely:—

Amendment
of section 1
of Madras
Act V of
1911.

[*Vide p. 741.*]

5. Sub-section (4) of section 3 of the said Act shall be omitted and the existing sub-sections (5), (6) and (7) shall be re-numbered.

Amendment
of section 3
of Madras
Act V of
1911.

6. For the scale prescribed in section 9 of the said Act the following shall be substituted, namely:—

Amendment
of section 9
of Madras
Act V of
1911.

[*Vide p. 743.*]

7. In Sub-section (3) of section 19 of the said Act, for the words "one rupee" and "four annas" the words "one rupee and eight annas" and "six annas" respectively, shall be substituted.

Amendment
of section 19
of Madra
Act V of
1911.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 20th November, 1923—Part IV, page 149.

1576 *Stage Carriages and Hackney* [1924: Mad. Act III.]

Carriage

Madras City Municipal [1924: Mad. Act IV.]

President's Salary. [1924: Mad. Act V.]

Amendment of section 24 of Madras Act V of 1911. 8. In sub-section (4) of section 24 of the said Act, for the words and figure "half the fee mentioned in section 9" the words and figures "the fee mentioned in sub-section (3) of section 19" shall be substituted.

Repeal of section 43 of Madras Act V of 1911. 9. Section 43 of the said Act shall be omitted.

MADRAS ACT No. IV of 1924.¹

[THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1924.]

[25th November, 1924.]

An Act further to amend the Madras City Municipal Act, 1919.

Preamble. WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919; it is hereby enacted as follows:— IV of 1919

Short title. 1. This Act may be called the Madras City Municipal (Amendment) Act, 1924.

Amendment of section 148 of the principal Act. 2. In sub-section (2) of section 148 of the Madras City Municipal Act, 1919, for the words "the Chief Secretary to the Government of Madras" the words "the Secretary to the Government of Madras, Finance Department" shall be substituted. IV of 1919

Amendment of Schedule IV of the principal Act. 3. In the table given in rule 10 (a) of Part III of Schedule IV of the Madras City Municipal Act, 1919, as amended by section 3 of the Madras City Municipal (Amendment) Act, 1922, for the item VII of 1922.

"For every motor or steam vehicle constructed to carry one ton or less than two tons . . . 75"

the following items shall be substituted, namely:—

[*Vide p. 944.*]

MADRAS ACT No. V of 1924.²

[THE PRESIDENT'S SALARY ACT, 1924.]

[25th November, 1924.]

An Act to determine the salary of the President of the Madras Legislative Council.

WHEREAS in accordance with sub-section (5) of section 72-C of the Government of India Act the salary of the elected President of the Madras Legislative Council is to be

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 2nd September, 1924—Part IV, page 136.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 16th September, 1924—Part IV, page 141.

determined by an Act of the said Council; It is hereby enacted as follows:—

1. This Act may be called the President's Salary Act, Short title. 1924.

2. There shall be paid to the elected President of the Madras Legislative Council a salary calculated at the rate of two thousand rupees a month. ^{Salary of elected President.}

MADRAS ACT No. II of 1925.¹

[THE MADRAS SURVEY AND BOUNDARIES ACT, 1923
(VALIDATION) ACT, 1924.]

[17th February, 1925.]

An Act to remove all doubts as to the validity of the Madras Survey and Boundaries Act, 1923.

Mad. VIII of
1923.

WHEREAS it appears that the Madras Survey and Boundaries Act, 1923, as assented to by the Governor on the 21st day of February 1923, and by the Governor-General on the 12th day of March 1923 and as published in the *Fort St. George Gazette* on the 29th day of May 1923 contained the words 'order regarding' in sub-section (2) of section 11 of the said Act instead of the words 'map recording' which occurred in the said sub-section as passed by the local Legislative Council; Preamble.

AND WHEREAS doubts having arisen as to the validity of the said Act and of things done under the same;

AND WHEREAS it is expedient to remove all such doubts; it is hereby enacted as follows:—

1. This Act may be called the Madras Survey and Boundaries Act, 1923 (Validation) Act, 1924. Short title.

Mad. VIII of
1923.

2. In this Act, "the Madras Survey and Boundaries Act, 1923," shall mean what was published under that title at pages 121 to 126 in Part IV of the *Fort St. George Gazette*, dated the 29th day of May 1923. Principal Act.

Mad. VIII of
1923.

3. The provisions contained in the Madras Survey and Boundaries Act, 1923, are hereby enacted with the substitution of the words "A copy of the order and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be furnished to any person interested in such order or map" for the words "A copy of the order under section 10 or 11 (1) and a copy of the order regarding the boundaries as determined under section 9, 10 or 11 (1)" Amendment of section 11 of the Principal Act.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 25th November, 1924—Part IV, page 272.

shall be furnished to any person interested in such orders" occurring in sub-section (2) of section 11 of the Madras Survey and Boundaries Act, 1923.

And the said provisions with the said substitution shall be deemed to have been in force with effect from the 29th day of May 1923.

MADRAS ACT No. III of 1925.¹

[THE MADRAS CIVIL COURTS (AMENDMENT) ACT, 1925.]

[31st March, 1925.]

An Act to amend the Madras Civil Courts Act, 1873.

Preamble.

WHEREAS it is expedient to amend the Madras Civil Courts Act, 1873; it is hereby enacted as follows:— Act III of 1873.

Short title.

1. This Act may be called the Madras Civil Courts (Amendment) Act, 1925.

Addition of a new paragraph to section 4 of the Madras Civil Courts Act, 1873.

2. To section 4 of the Madras Civil Courts Act, 1873 (hereinafter referred to as the said Act), the following paragraph shall be added, namely:— Act III of 1873.

[Vide p. 103.]

Insertion of a new section after section 4 of the said Act.

3. After section 4 of the said Act, the following section shall be inserted, namely:—

[Vide p. 103.]

Amendment of section 10 of the said Act.

4. In section 10 of the said Act, the following amendments shall be made, namely:—

(a) For the words "District Judge or Subordinate Judge" the words "District Court or Subordinate Judge's Court" shall be substituted.

(b) The proviso shall be omitted.

Omission of the proviso to section 10 of the said Act.

Omission of the second paragraph of section 11 of the said Act.

5. The second paragraph of section 11 of the said Act shall be omitted.

Substitution of new section for section 23 of the said Act.

6. For section 23 of the said Act, the following section shall be substituted, namely:—

[Vide p. 108.]

¹ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 9th September 1924 Part IV page 138.

MADRAS ACT No. IV OF 1925.¹

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL
BOARDS FURTHER (AMENDMENT) ACT, 1924.]

[28th April, 1925.]

An Act to amend the Madras District Municipalities and
Local Boards (Amendment) Act, 1921.

Madras II
of 1922.

WHEREAS it is expedient to amend the Madras District Preamble.
Municipalities and Local Boards (Amendment) Act, 1921,
and whereas the previous sanction of the Governor-General
has been obtained under section 80 A (3) of the Government
of India Act to the passing of this Act; it is hereby enacted
as follows:—

1. This Act may be called the Madras District Muni-Title.
cipalities and Local Boards Further (Amendment) Act, 1924.

2. In sub-section (2) of section 2 of the Madras District Amendment
Municipalities and Local Boards (Amendment) Act, 1921 of section 2
(hereinafter referred to as the said Act), after the words Madras of the
' term of office commences ' the words ' or at one of the first District
three meetings held after the said date ' shall be inserted. Municipal-
ities and
Local
Boards
(Amend-
ment) Act,
1921.

3. Section 3 of the said Act shall be omitted.

Omission of
section 3 of
the said Act.

4. In sub-section (2) of section 4 of the said Act after Amendment
the words ' term of office commences ' the words ' or at one of sub-sec-
tion (2) of
of the first three meetings held after the said date ' shall be section 4 of
inserted. the said Act.

5. For section 5 of the said Act, the following shall be Substitution
substituted, namely:— of a new
section for
section 5 of
the said Act.

[*Vide p. 1424.*]

6. After section 5 of the said Act, the following section Addition of
shall be added, namely:— a new sec-
tion after
section 5 of
the said Act.

[*Vide p. 1424.*]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 19th February 1924—Part IV, page 30.

Madras City Municipal [1925: Mad. Act VI.
(Amendment)]

MADRAS ACT No. V OF 1925.¹

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1924.]

Preamble. An Act to amend the Madras Local Boards Act, 1920.

WHEREAS it is expedient to amend the Madras Local Boards Act, 1920; it is hereby enacted as follows:— Madras XIV
1920.

Short title. 1. This Act may be called the Madras Local Boards (Amendment) Act, 1924.

Amendment of section 236 of the Principal Act. 2. In section 236 of the Madras Local Boards Act, 1920, for the words “ may be utilized for all or any of the purposes specified in section 113 of this Act subject to the conditions laid down in that section ” the following shall be substituted:—

[Not printed. Vide p. 1383.]

MADRAS ACT No. VI OF 1925.²

[THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1924.]

[16th June, 1925.]

An Act further to amend the Madras City Municipal Act IV of 1919.

Preamble. WHEREAS it is expedient further to amend the Madras City Municipal Act IV of 1919; it is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras City Municipal (Amendment) Act, 1924.

Amendment of section 169 of Act IV of 1919. 2. In section 169 of the Madras City Municipal Act, In the proviso to clause (1) and in clauses (2) and (3) for the words ‘ one hundred and twenty ’ the word ‘ sixty ’ shall be substituted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 16th September 1924—Part IV, page 140.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 9th September 1924—Part IV, page 138.

MADRAS ACT No. VII OF 1925.¹

[THE MADRAS AGRICULTURAL PESTS AND DISEASES
(AMENDMENT) ACT, 1925.]

[23rd June, 1925.]

An Act to amend the Madras Agricultural Pests and Diseases Act, 1919.

Madras III of 1919.

WHEREAS it is expedient to amend the Madras Agricultural Pests and Diseases Act, 1919; it is hereby enacted as follows:—

1. This Act may be called the Madras Agricultural Pests and Diseases (Amendment) Act, 1925.

2. Section 3 of the Madras Agricultural Pests and Diseases Act, 1919 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of section 3 and to that section as so re-numbered the following sub-section shall be added, namely:—

[*Vide p. 796.*]

3. After section 5 of the said Act the following section shall be inserted, namely:—

[*Vide p. 796.*]

4. In sub-section (1) of section 6 of the said Act, for the words “if such inspecting officer finds that the prescribed remedial or preventive measures have not been properly taken” the words “If any inspecting officer appointed under section 19 finds that any prescribed remedial or preventive measures other than those specified in section 5 A have not been properly carried out” shall be substituted.

5. In sub-section (1) of section 8 of the Act, for the words and figure “under section 7” the words and figures “under section 5 A or 7” shall be substituted.

6. In section 9 of the said Act—

(i) in sub-section (1) for the word and figure “section 7” the words and figures “section 5 A or 7” shall be substituted; and

(ii) for the proviso to sub-section (2) the following proviso shall be substituted, namely:—

[*Vide p. 798.*]

7. In section 14 of the said Act, for the word and figure “section 7” the words and figures “section 5 A or 7” shall be substituted.

8. In section 19 of the said Act, after the figure 5 the figure and letter “5 A” shall be inserted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 10th March, 1925—Part IV, page 92.

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MADRAS ACT No. VIII OF 1925.¹

[THE COCHIN PORT TRUST ACT, 1925.]

[22nd December 1925.]

WHEREAS it is expedient to make provision for the regulation, conservancy and improvement of the port of Cochin and WHEREAS the previous sanction of the Governor-General

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 10th February, 1925—Part IV, page 74.

has been obtained to the passing of this Act; it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

- | | |
|-----------------------------|--|
| Short title. | 1. This Act may be called the Cochin Port Trust Act, 1925. |
| Commencement. | 2. This Act shall come into force on such date or dates as the Local Government may, by notification, direct. |
| Interpretation clause. | 3. In this Act, unless there be something repugnant in the subject or context, |
| “Board.” | (1) “Board” means the Trustees of the Port of Cochin appointed under this Act; |
| “Chief Officer of Customs.” | (2) “Chief Officer of Customs” denotes the Chief Executive Officer of Customs for the Port of Cochin for the time being; |
| “Goods.” | (3) “Goods” means and includes every kind of movable property; |
| “Land.” | (4) “Land” includes the bed of the sea below high water-mark; |
| “Master.” | (5) “Master,” when used in relation to any vessel, means any person having for the time being the charge or control of such vessel except a pilot or harbour master; |
| “Owner.” | (6) “Owner,” when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee, or mortgagee in possession thereof. |
| “Pier.” | (7) “Pier” includes any stage, stairs, landing-place, hard jetty, landing stage, floating barge or pontoon, and any bridges or other works connected therewith; |
| “Port.” | (8) “Port” means the port of Cochin within such limits as may from time to time be defined by the Local Government for the purposes of this Act by notification in the <i>Fort St. George Gazette</i> , and until a notification is so issued, within such limits as may have been defined by the Government under the provisions of the Indian Ports Act, 1908; |
| “Port Trust Security.” | (9) “Port Trust Security” means debentures, bonds or stock certificates issued by the Board in respect of any loan contracted under the provisions of this Act; |
| “Prescribed.” | (10) “Prescribed” means prescribed by rules or regulations or by-laws made under this Act; |
| “Rate.” | (11) “Rate” includes any toll, due, rent, rate or charge leviable under this Act; |
| “Vessel.” | (12) “Vessel” denotes anything made for the conveyance by water of human beings or of property; |

XV of 1908.

- (13) "Wharf" includes any wall or stage and any "Wharf." part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same.

CHAPTER II.

THE BOARD OF TRUSTEES.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called "The Trustees of the Port of Cochin" and such Board shall be a body corporate and have perpetual succession and a common seal and shall sue and be sued by the aforesaid name.

Imposition of duty of working the Act on a Board.

5. The Board shall consist of such number of Trustees, not being less than ten or more than fifteen including the Chairman and Vice-Chairman, as the Local Government may notify. Provided that the Chairman or Vice-Chairman, if absent on leave for more than a fortnight and if another Chairman or Vice-Chairman is appointed to act for him, shall cease to be a Trustee and shall, on return to duty, again become a Trustee.

Constitution of the Board.

6. (1) (a) Two Trustees shall be elected by the members for the time being of the Cochin Chamber of Commerce, one by the Cochin Municipal Council, and one by the members for the time being of the United Planters' Association of Southern India, at a meeting of the Chamber or Municipal Council or Association held in accordance with the rules in force or by postal vote in the case of the Association.

Appointment of Chairman, Vice-Chairman and Trustees and election of Trustees.

(b) The Local Government shall invite the Cochin Merchants' Association to nominate two persons for appointment as Trustees and in the event of such nominations being made shall appoint the persons nominated as Trustees.

(c) The Local Government shall invite the Cochin and Travancore Darbars each to nominate two persons for appointment as Trustees and in the event of such nominations being made shall appoint the persons nominated as Trustees.

(d) The Local Government after consultation with the Cochin and Travancore Darbars shall appoint a Chairman and may appoint a Vice-Chairman and the other Trustees.

(2) A return of the name of every person elected as Trustee shall be forwarded to the Local Government by the Chairman of the Chamber or Municipal Council or Association concerned.

7. The names of persons appointed or elected as Trustees shall be published in the *Fort St. George Gazette* and the *Malabar District Gazette*.

Publication of names of trustees.

Disqualifica-
tions for
office of
Trustee.

8. (1) No person shall be qualified to be a Trustee who
- (a) is not a British subject or a subject of a State in India, or
 - (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Local Government, disqualifies him from being a Trustee, if such sentence has not been reversed, set aside, or remitted, or
 - (c) is an uncertified bankrupt or undischarged insolvent, or
 - (d) holds any office or place of profit under the Board:

Provided that a person holding the office of Engineer as defined in section 26 shall not be disqualified to be Chairman or Vice-Chairman of the Board and a person holding the office of Traffic Manager shall not be disqualified to be Vice-Chairman of the Board, or

- (e) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract or employment with, by, or on behalf of, the Board.

No person shall be deemed to have a share or interest in such work, contract, or employment by reason only of his

- (i) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or
- (ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or
- (iii) being interested in any loan of money to the Board, or
- (iv) having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same, or
- (v) having a share or interest in any licence by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway siding or any berth for vessels in the docks belonging to the Board, or
- (vi) having a share or interest in the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades, or
- (vii) being a person to whom, or a member of a firm or company to which, any of the functions specified in clauses (a) and (b) of sub-section (1) of section 38 shall have been relinquished under section 40.

(2) Any Trustee who

- (a) becomes disqualified for any of the aforesaid reasons, or
- (b) refuses to act or becomes incapable of acting, or
- (c) fails to attend, without the permission of the Board previously obtained, three consecutive ordinary meetings of the Board, or
- (d) is absent from the meetings of the Board for a period exceeding six consecutive months, shall cease to be a Trustee.

9. The Chairman and Vice-Chairman shall hold office during the pleasure of the Local Government. The remaining Trustees shall hold office for a term of two years from the date of election or appointment, as the case may be, but the Board may at any time accept the resignation of any Trustee.

Term of office of Chairman, Vice-Chairman and Trustees.

10. The first elective Trustees shall be elected, and the first Chairman, Vice-Chairman and nominee Trustees shall be nominated on such dates as may be notified.

First election of Trustees and first appointment of Chairman, Vice-Chairman and Trustees.

11. Any person ceasing to be a Trustee shall, unless disqualified under sub-section (1) of section 8, be eligible for re-election or re-appointment.

Eligibility of Trustees for re-election or re-appointment.

12. (1) When an elected Trustee ceases to hold office, the vacancy shall be filled up within one month by the Chamber of Commerce or the Cochin Municipal Council or the United Planters' Association of Southern India as the case may be in the manner provided in clause (a) of sub-section (1) of section 6.

Election or appointment of Chairman, Vice-Chairman or Trustee in vacancy.

(2) When a Trustee appointed under clause (b) of sub-section (1) of section 6 ceases to hold office, the Local Government shall invite the Cochin Merchants' Association to nominate another person within one month from the date of the receipt of such invitation and in the event of such nomination being made shall appoint such person as Trustee.

(3) When a Trustee appointed under clause (c) of sub-section (1) of section 6 ceases to hold office, the Local Government shall invite the Darbar concerned to nominate another person and in the event of such nomination being made shall appoint such person as Trustee.

(4) When the Chairman, Vice-Chairman or any Trustee appointed under clause (d) of sub-section (1) of section 6 ceases to hold office, the Local Government may appoint a

Chairman, Vice-Chairman or Trustee as the case may be after consultation with the Cochin and Travancore Darbars.

Nomination
of elected
Trustees by
Local
Government
in default of
election.

13. (1) If a Trustee is not elected on the date notified under section 10 or within the period allowed by sub-section (1) of section 12, the Local Government may appoint a Trustee and the person so appointed shall be deemed to be an elected Trustee.

(2) If a Trustee is not nominated within the period allowed by sub-section (2) of section 12, the Local Government may make the appointment.

Grant of
leave of
absence to
Chairman
or Vice-
Chairman.

14. The Local Government may from time to time grant to the Chairman or Vice-Chairman such leave of absence as they may deem fit, and any person appointed by the Local Government to act for the Chairman or Vice-Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman or Vice-Chairman, as the case may be.

Remune-
ration to
Chairman or
Vice-
Chairman
and acting
Chairman
or Vice-
Chairman.

15. The Local Government after consultation with the Cochin and Travancore Darbars may from time to time determine the remuneration, if any, to be paid as salary, leave allowances or other allowances to the Chairman or Vice-Chairman and to the person appointed under section 14 to act for the Chairman or Vice-Chairman during his absence on leave and may prescribe any conditions and restrictions upon and under which such remuneration shall be payable.

Fees payable
to Chairman,
Vice-Chair-
man and
other Trust-
ees.

16. The Local Government may prescribe from time to time the fees, if any, to be paid to the Chairman, Vice-Chairman and other Trustees for attendance at meetings and to prescribe conditions and restrictions upon and under which such fees shall be payable.

Provisions
concerning
Board's pro-
ceedings.

17. The following provisions shall be observed with respect to the proceedings of the Board, namely—

Meetings,
etc., for
transaction
of business.

(1) The Board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management, and adjournment of its meetings, and generally with respect to the transaction of business, as it may think fit, subject to the following conditions, namely:—

Ordinary
monthly
meetings.

(a) that a meeting shall be held once at least in every month;

Special
meetings.

(b) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

Quorum.

(c) that no business shall be transacted at any meetings unless at least five Trustees are present throughout such meeting;

- (d) that every meeting shall be presided over by the President at Chairman, if he is present or the Vice-Chairman ^{meetings.} in his absence, and if and while both are absent, by such one of the Trustees present as may be chosen by the meeting;
- (e) that all questions shall be decided by a majority ^{Decision of} of votes of the Trustees present, the President hav- ^{questions by} ing a second or casting vote in all cases of equality ^{majority} of votes.
- (f) that if a poll be demanded, the names of the ^{Demand of} Trustees voting and the nature of their votes shall ^{poll.} be recorded by the President of the meeting;
- (g) that minutes shall be kept of the names of the ^{Minutes of} Trustees present and of the proceedings at each ^{proceedings.} meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President of such meeting, and shall be open to inspection by any Trustee during office hours;
- (h) that the President may, with the consent of any ^{Adjourn-} meeting, adjourn it; ^{ment of} meetings.
- (i) that a copy of the minutes of every meeting of ^{Trans-} the Board shall, as soon as conveniently may be, ^{mission of} be sent for publication in the *Malabar District* ^{minutes to} *Gazette* at the cost of the Board and a copy of the ^{Government} minutes shall also, within three days of every ^{and their} meeting, be transmitted to such Secretary to the ^{publication} Local Government and such officer of each Darbar as may, from time to time, be appointed to receive the same. The copy of the minutes shall also be published in such manner as the Board may direct.
- (2) The Board may, from time to time, appoint Com- ^{Appoint-} mittees consisting of not less than three of its number ^{ment of} for carrying into effect any part of the provisions of ^{Committees} this Act, with such powers and under such instruc- ^{by Board.} tions, directions or limitations as may be defined by the Board. The Board may at any time alter the constitution of or discontinue any such Committee.
- (3) A Committee may elect a Chairman of its meetings, ^{Chairman at} and if no such Chairman is elected, or, if he is not ^{meetings of} present at the time appointed for holding the same, ^{Committees.} the members present shall choose one of their number to be Chairman of the meeting.
- (4) Committees may meet and adjourn at their discre- ^{Meetings of} tion, but the Chairman of the Board may whenever ^{Committees.} he thinks fit and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee.

Decisions of questions at meetings of Committees.

(5) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman shall have a second or casting vote.

Quorum in Committees.

(6) No business shall be transacted at any such meeting unless at least three of the members of the Committee are present throughout such meeting.

Restriction on power of Trustees to vote or discuss matters in which they are interested.

18. (1) No Trustee shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board or of any Committee if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner, or in which he is interested professionally on behalf of a client or as agent for any person other than the Government, the Cochin or Travancore Darbar, a local authority or a railway company.

(2) If objection is made that any Trustee has in any question before the meeting such interest as is referred to in sub-section (1), the objection shall be considered and decided by the other Trustees in such manner as may be prescribed by the Local Government. The decision of the other Trustees shall be final.

(3) If objection is made to the Chairman that a Trustee voted on or took part in the discussion of any question contrary to the provisions of sub-section (1), the objection, unless, in pursuance of the resolution, a right in a third party has been created, shall be inquired into and decided in accordance with such rules as may be prescribed by the Local Government, and such decision shall be final. Pending such decision the resolution on the question shall not be given effect to. If the decision is that the Trustee voted or took part contrary to the provisions of sub-section (1), the resolution on the question shall not be given effect to.

Validation of Acts and proceedings.

19. No Act or proceeding of the Board or of any Committee or of any person acting as Chairman or Vice-Chairman shall be deemed to be invalid by reason only of some defect in the establishment of the Board or Committee or on the ground that any Trustee was disqualified for the office or by reason of such act having been done during the period of any vacancy in the office of Chairman or Vice-Chairman or of any Trustee.

Delegation of powers to Chairman or Vice-Chairman.

20. The Board may, by resolution in writing, with the sanction of the Local Government, determine which of the powers and duties by this Act conferred or imposed upon the Board may be exercised and performed by the Chairman or Vice-Chairman.

21. It shall be the duty of the Chairman—

Duties of
Chairman.

- (1) to attend every meeting of the Board unless prevented by sickness or other reasonable cause;
- (2) to exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board;
- (3) subject to the regulations prescribed under sections 23 and 96 and to the schedule for the time being in force framed by the Board under section 22, to dispose of all questions relating to the service of the officers and servants of the Board, and their pay, privileges and allowances:

Provided that, subject to the control of the Local Government, the Chairman may delegate all or any of these duties to the Vice-Chairman as may seem good to him from time to time.

CHAPTER III.

OFFICERS AND SERVANTS OTHER THAN THE CHAIRMAN AND VICE-CHAIRMAN.

22. The Board shall, from time to time, prepare and sanction a schedule of the staff of officers other than the Chairman and Vice-Chairman and of servants whom the Board shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant.

Schedule of
Board's
staff.

Explanation.—Artisans, porters and labourers, and suppliers of porters and labourers are not officers and servants within the meaning of this section or of section 23 or 25.

23. (1) The Board may, from time to time, frame regulations—

Power to
frame
regulations

- (a) for regulating the grant of leave to the officers (other than the Chairman or Vice-Chairman) and servants of the Board; regarding
leave,
- (b) for authorizing the payment of allowances to the said officers and servants, or to any of them, whilst absent on leave; absentee
allowances,
- (c) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave; acting
allowances,
- (d) for regulating the period of service of all such officers and servants; length of
service,

pensions,
etc., and

(e) for determining the conditions under which such officers and servants or any of them may become entitled on retirement, to pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances;

contribution
to provident
fund,

(f) for authorizing the payment of contributions at such rates and subject to such conditions as the Board may prescribe to any provident fund, which may, with the Board's approval, be established by the officers and servants appointed under this Act, or to such provident fund, if any, as may be established by the Board, with the approval of the Local Government, for the benefit of such officers and servants;

pensions in
the case of
subordinates
injured or
who died
while in the
service of
the Board.

(g) for determining the conditions under which pensions, gratuities, or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants who died while in the service of the Board; and

(h) generally for the regulation of similar matters.

(2) The regulations framed under clauses (e), (f) and (g) of sub-section (1) shall be subject to the approval of the Local Government.

(3) Subject to the provisions of section 98, all pensions, contributions and allowances mentioned in this section shall be chargeable to the general fund of the Board.

Power to
frame regu-
lations for
artisans,
porters, etc.

24. Notwithstanding anything contained in sections 22 and 23, the Board may, subject to the sanction of the Local Government, frame regulations of the nature mentioned in clauses (e) to (g) of section 23 for the benefit of artisans, porters and labourers and the suppliers of porters and labourers; and subject to the provisions of section 98 all pensions, contributions and allowances payable under any such regulation shall be chargeable to the general fund of the Board.

Power to
appoint,
punish or
grant
leave to
officers and
servants.

25. (1) Subject to the regulations prescribed under section 23 and the schedule for the time being in force framed by the Board under section 22, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the Chairman or Vice-Chairman in such cases and subject to such restrictions as may be determined by the Local Government and in every other case by the Local Government.

(2) In the case of punishments inflicted by the Chairman or Vice-Chairman, an appeal shall lie to the Board.

(3) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance shall, in the case of officers appointed by the Local Government, lie with the Local Government and in all other cases with the Board.

Power of dispensing with services or permitting retirement of officers or servants.

26. Every order or regulation made by the Board under sections 22, 23 or 25 shall, so far as the same relates to the Secretary, Engineer, Traffic Manager, or Chief Accountant of the Board, be subject to the previous sanction of the Local Government.

Prior sanction of Local Government to orders or regulations of Board.

In this section the word 'Engineer' means the Engineer of the highest grade on the Board's ordinary staff and also any one who may from time to time be employed as Consulting Engineer to the Board on a monthly salary.

CHAPTER IV.

PROPERTY OF THE BOARD.

27. On the commencement of the whole of this Act

Property vested in Board.

(i) all movable property held by or vested in the Cochin Port Conservancy Board shall vest in the Board, but subject to all charges and liabilities affecting the same, and

(ii) all contracts, deeds, bonds, agreements and other instruments of whatever nature, and all other things duly done and subsisting or having effect immediately before the commencement of this Act and to which the Port Conservancy Board is a party, shall be of as full force and effect against or in favour of the Board as the case may be, and may be enforced as fully and effectually as if, instead of the Port Conservancy Board, the Board had been a party thereto.

28. (1) Subject to the provisions herein contained the Board shall, for the purpose of this Act, have the power to acquire and hold immovable or movable property, whether within or without the limits of the port, and also power to lease or sell any immovable or movable property which may have vested in or been acquired by it.

Power to acquire, hold or alienate property.

(2) Every acquisition of immovable property, every sale and every lease for a term exceeding ten years of immovable property shall be made with the previous sanction of the Local Government.

29. When any immovable property is required for the purposes of this Act, the Local Government may declare that such property is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same

Application of Land Acquisition Act.

under the Land Acquisition Act, 1894. Such property, ^{I of 1894.} when so acquired, shall, on payment by the Board of the compensation awarded and all costs connected with its acquisition, be deemed to be vested in the Board.

CHAPTER V.

WORKS AND SERVICES.

Power to execute works and provide appliances.

General nature of works to be executed or appliances to be provided.

30. The Board may execute such works and provide such appliances as it may determine to be necessary or expedient for the purposes of the port.

31. Such works and appliances may include—

- (1) wharves, quays, docks, stages, jetties and piers within the port or on the foreshore of the port, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways and approaches;
- (2) railways, tramways, locomotives, rolling stock, sheds, warehouses and other accommodation for passengers and goods and other appliances within the port for carrying passengers and for conveying, receiving and storing goods landed, or to be shipped or otherwise;
- (3) moorings for carrying out the purposes of this Act, and cranes, scales, and all other necessary means and appliances for loading and unloading vessels;
- (4) reclaiming, excavating, enclosing and raising any part of the port which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act;
- (5) such breakwaters and other works within or without the limits of the port as shall be expedient for the protection of the harbour or port;
- (6) dredges and other machines for cleaning, deepening and improving any portion of the port or foreshore;
- (7) pilot-boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port;
- (8) vessels, steam tugs or other boats for use as well within the limits of the port as beyond those limits, whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound elsewhere and for the purpose of saving or protecting life or property and for the purpose of landing, shipping or transshipping passengers or goods under section 38;
- (9) boats, barges and other appliances necessary in connexion with the supply of water to shipping in the port;

- (10) engines and other appliances necessary for the extinguishing of fires in the port and on the property of the Board;
- (11) all such other works and appliances as may be, in the opinion of the Board, expedient for carrying out the purposes of this Act.

32. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in sea-going vessels, the Board may, with the previous sanction of the Local Government, by a notification published in three consecutive issues of the *Fort St. George Gazette* and one issue of the *Malabar District Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication, the Board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty, or pier for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to do so. In making such order the Board shall have regard, as far as possible, to the convenience of such vessel and of the shippers, in respect of the use of any particular wharf, quay, stage, jetty or pier.

33. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Board may, with the previous sanction of the Local Government, by an order published in three consecutive issues of the *Fort St. George Gazette* and one issue of the *Malabar District Gazette*, direct that no goods shall be landed or shipped from or in any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order.

34. Any officer appointed by the Board in this behalf may, in cases of emergency, or for any reason which appears to him sufficient by notice in writing, order the master or owner of any vessel not to bring such vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the Board, and, if such notice is not obeyed, the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding five hundred rupees for each day of twenty-four hours, or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier:

Provided that, in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of twelve hours from the service of such notice as aforesaid on the master or owner of the vessel.

Power to Local Government to exempt from obligation to use wharves, etc., and

35. Notwithstanding anything contained in sections 32 and 33, the Local Government may, by notification in the *Fort St. George Gazette* and the *Malabar District Gazette*, from time to time, permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner during such period, subject to such payments and on such conditions as they may think fit, and otherwise grant exemption from the provisions of such sections.

The Local Government may also, by like notification, cancel or modify any such notification.

to require preference to be given to Government vessels.

The Local Government may also at any time require that any vessel belonging to or in the service of His Majesty or the Government of India shall be permitted to come alongside of any wharf, quay, stage, jetty or pier belonging to the Board in preference to all other vessels at the time in port; and it shall be incumbent on the Board to give effect to any such requisition.

Power to order survey or examination of works.

36. The Local Government may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof. The cost of such survey and examination shall be borne and paid by the Board out of its general fund.

Power of Local Government to restore or complete works at the cost of Board.

37. If, at any time, the Board allows any work or appliance constructed or provided by or vested in it to fall into disrepair,

or does not, within a reasonable time, complete any work commenced by it or included in any estimate sanctioned by the Local Government,

or does not, after due notice in writing, proceed to carry out effectually any work or repair or to provide any appliance which is necessary in the opinion of the Local Government for the purposes of this Act,

the Local Government may cause such work to be restored or completed or carried out, or such repair to be carried out, or such appliance to be provided; and the cost of any such restoration, completion, construction or provision shall be paid by the Board; and if the Board does not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in the Local Authorities Loans Act, 1914.

38. (1) The Board shall, according to its powers, provide all reasonable facilities for and shall have power to undertake the following services:—

Performance
of services
by the
Board.

- (a) landing, shipping, or transshipping passengers and goods between vessels in the port and the wharves, piers, quays or docks in possession of the Board;
- (b) receiving, removing, shifting, transporting, storing or delivering goods brought within the Board's premises;
- (c) carrying passengers by rail, tramway or otherwise within the limits of the port, subject to such restrictions and conditions as the Local Government may see fit to impose; and
- (d) receiving and delivering, transporting and booking and despatching goods originating in the vessels in the port and intended for carriage by the neighbouring railways, or *vice versa*, as a railway company or administration under the Indian Railways Act, 1890.

X of 1890.

(2) The Board shall, if so required by any owner, perform in respect of goods all or any of the services mentioned in clauses (a), (b) and (d) of sub-section (1), which it shall have undertaken; provided that the Board shall not be bound to perform any service which it has relinquished under the provisions of clause (a) of sub-section (1) of section 40.

(3) The Board shall, if required, take charge of the goods for the purpose of performing the service and shall give a receipt in the form and to the effect prescribed from time to time by the Local Government.

After any goods have been taken charge of and a receipt given for them under this section, no liability for any loss or damage which may occur to them shall attach to any person to whom a receipt shall have been given or to the master or the owner of the vessel from which the goods have been landed or transhipped.

39. (1) The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also, in the case of goods received for carriage by railway, to the provisions of the Indian Railways Act, 1890, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, omitting the words 'in the absence of any special contract' in section 152 of the last-mentioned Act. Provided that, till the receipt mentioned in sub-section (3) of section 38 is given by the Board, the goods shall be at the risk of the owner.

Respon-
sibility of
Board for
loss, etc.,
of goods.

X of 1890.

IX of 1872.

(2) The Board shall not be in any way responsible for loss of or damage to goods of which it has taken charge, unless notice of such loss or damage shall have been given

within one month of the date of the receipt given for the goods under sub-section (3) of section 38.

Relinquish-
ment of
services
subject to
the control
of the Local
Government.

40. (1) The Board may, subject to the sanction of the Local Government and to such conditions as the Local Government may prescribe,

(a) enter into an agreement relinquishing the performance of any of the services specified in clauses (a) and (b) of sub-section (1) of section 38 to an approved person, or

(b) enter into an agreement accepting a greater or less liability than that imposed on the Board by sub-section (1) of section 39.

(2) Every agreement entered into under this section shall be in writing and signed by or on behalf of the parties concerned.

(3) No person to whom the performance of any service specified in clause (a) or (b) of sub-section (1) of section 38 is relinquished shall charge or recover for such service any sum in excess of the amount leviable according to the scale framed under section 42, section 43 or section 44 if such service were performed by the Board.

(4) Notwithstanding such relinquishment, the Board may charge dues according to the scales laid down in sections 42, 43 and 44 for the use of its works or appliances or for other services connected with that which has been relinquished without thereby incurring any liability under section 39.

Performance
of services
by persons
to whom the
services
have been
relinquished
by the
Board.

41. (1) Any person to whom any or all of the services under clauses (a) and (b) of sub-section (1) of section 38 has or have been relinquished under section 40, shall, if so required by the owner, perform in respect of goods any of the services so relinquished and for that purpose take charge of the goods and give a receipt in the form prescribed by the Local Government.

(2) The responsibility of any such person for the loss, destruction or deterioration of goods of which he has taken charge shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

IX of 1872

CHAPTER VI.

LEVY AND RECOVERY OF RATES.

Scale of
rates.

42. The Board shall frame a scale of rates at which and a statement of the conditions under which any of the services specified hereunder shall be performed by itself or by a person to whom any service has been relinquished under section 40 or partly by one and partly by the other:—

(a) transshipping of passengers or goods between vessels in the harbour;

- (b) landing and shipping of passengers or goods from or to such vessels to or from any wharf, quay, pier, dock, land or building in the possession or occupation of the Board or at any place within the limits of the port;
- (c) crange or portorage of goods on any such place;
- (d) wharfage, storage or demurrage of goods on any such place;
- (e) any other service in respect of vessels, passengers or goods.

43. The Board shall also frame a scale of rates on pay-ment of which and a statement of conditions under which any property belonging to or in the possession or occupation of the Board or any place within the limits of the port may be used for the purposes specified hereunder:—

Scale of rates and statement of conditions for use of property belonging to the Board.

- (a) approaching or lying at or alongside any moorings, wharf, quay, pier, dock, land, buildings or place as aforesaid by vessels or boats;
- (b) entering upon or plying for hire at or on any wharf, quay, pier, dock, land, building or place as aforesaid by animals or vehicles carrying passengers or goods;
- (c) leasing of land or sheds by owners of goods imported or intended for export or by steamer agents;
- (d) any other use of any land, works or appliances belonging to or provided by the Board.

44. The Board may frame a consolidated scale of rates for any combination of the services specified in section 42 or for any combination of such service or services with any user or permission to use any property belonging to or in the possession or occupation of the Board, as specified in section 43.

Consolidated rates for combination of services.

45. (1) Every scale and every statement of conditions framed by the Board under section 42, section 43 or section 44 shall be submitted to the Local Government for sanction; and, when so sanctioned and published in the *Fort St. George Gazette*, shall have the force of law; and subject to the like sanction and publication may from time to time be amended or added to by the Board.

Prior sanction of Local Government to such scales.

(2) The Board may, in special cases, with the previous sanction of the Local Government, remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section. It may also on its own initiative correct mistakes, remit overcharges made in its bills, and write off irrecoverable sums up to a limit of two hundred rupees in each case.

Remission of rates in special cases.

Power to
fix maxima
and minima
rates.

(3) In respect of any item of any scale of rates framed under the powers conferred by section 42, section 43 or section 44, the Board, with the previous sanction of the Local Government, may fix maximum and minimum rates, and may levy any charges not exceeding the maximum and not below the minimum thus fixed.

Refund of
overcharges.

46. No person shall be entitled to a refund of an overcharge unless his claim to the refund has been preferred in writing by him or in his behalf to the Board within six months from the date of payment.

Power to
increase
rates to
cover defi-
ciency of
revenue.

47. (1) If, on the preparation of the estimate of any year, it appears that the estimated income of the Board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which may be payable by the Board during such year to the Secretary of State for India in Council or to any other creditor, and of any sinking fund established under section 73 and of any sum the repayment of which is due in pursuance of any terms under section 65;

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient for the payment of the said interest, sinking funds and sums due;

the Board may, and upon the requisition of the Local Government, shall increase the rate for the time being in force to such extent as will render the estimated income of the year sufficient, as nearly as may be, for the payment in full of the said interest, sinking funds and sums due.

(2) Such increased rates shall be fixed by the Board, and shall be submitted to the Local Government, and, if approved by the Local Government, shall be published in the *Fort St. George Gazette* and shall become leviable after the expiration of one month from the date of such publication, and continue leviable until altered by the Board with the sanction of the Local Government.

Power
of Local
Government
to enhance
rates if
Board fails
to do so.

48. If the Board shall, for fifteen days after the receipt by the Chairman of any such requisition from the Local Government, neglect or refuse to submit to the Local Government for approval such increased rates, the Local Government may, by notification in the *Fort St. George Gazette*, increase such rates as they think fit; and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed under section 42, section 43 or section 44 and sanctioned and published under section 45.

49. The Board shall not lease, farm, sell or alienate any power vested in it under this Act of levying rates without the assent of the Local Government.

Board not to
lease rates
without
sanction.

50. All fines and penalties recovered under this Act shall be paid to the Board.

Fines and
penalties
payable to
Board.

xv of 1908.

51. The Local Government may in their discretion at any time direct that the whole or any portion of the balance of the moneys credited under the Indian Ports Act, 1908, to the account of the Cochin Port Fund, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the Board for the purposes of this Act.

Payment of
balance of
Cochin
Port Fund
to Board.

52. Rates in respect of goods to be landed shall be payable immediately on the landing of the goods; in respect of goods to be removed from the premises of the Board, or to be shipped for export, or transhipped, before the goods are removed or shipped or transhipped.

Time for
payment of
rates on
goods.

53. For the amount of all rates leviable under this Act in respect of any goods, and for the rent due to the Board on any buildings, plinths, stacking areas or other premises on or in which any goods may have been placed, the Board shall have a lien on such goods, or if such goods have been removed from the custody of the Board or from the public customs wharves and warehouses where they have been retained with the consent of the Chief Officer of Customs under the provisions of section 56, on other goods of the person liable, then being in or thereafter coming into the possession of the Board and may detain the same until such rates and rents are fully paid.

Lien for
rates.

54. Such lien shall have priority over all other liens and claims, except for general average and for the ship-owner's lien upon the said goods for freight and other charges, where such lien exists and has been preserved in the manner provided in section 55, and for primage, and for money payable to His Majesty or the Secretary of State for India in Council.

Priority of
lien of
Board over
other liens
and claims.

55. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any dock, wharf, quay, stage, jetty or pier in the occupation of the Board, gives to the Board notice in writing that such goods are to remain subject to a lien for freight or other charges including landing charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

Preservation
of lien for
freight after
goods are
landed.

56. Such goods shall be retained in the custody of the Board, or with the consent of the Chief Officer of Customs in the public customs wharves and warehouses, at the risk and expense of the owners of the said goods until such lien

Retention of
such goods
until lien is
discharged.

is discharged as hereinafter mentioned; and godown or storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

Discharge of
ship-owner's
lien for
freight.

57. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien, provided that the Board shall have used reasonable care in respect to the authenticity of such document.

Sale of
goods after
two months
if rates or
rents are
not paid or
lien for
freight is not
discharged.

58. The Board may, after the expiry of two months from the time when any goods have passed into its custody, or in the case of perishable goods after the expiry of such shorter period not being less than 24 hours as the Board may think fit, sell by public auction so much as may be necessary of such goods,

- (a) if any rates payable to the Board in respect of such goods or in respect of other goods for the payment of which the Board has a lien under section 53 have not been paid; or
- (b) if any rent referred to in section 53 in respect of any place on or in which such goods or other goods of the same owner have been stored has not been paid; or
- (c) if any lien of any ship-owner for freight or other charges of which notice has been given has not been discharged and if the person claiming such lien for freight or other charges has made an application for such sale.

Notice of
sale.

59. Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Malabar District Gazette*, unless the goods are of so perishable a nature as, in the opinion of the Board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

Notice of
sale to
owner.

60. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by registered letter; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application
of sale-
proceeds.

61. (1) The proceeds of every such sale shall be applied as follows:—

- (a) in payment of the expenses of the sale;

- (b) in payment, according to their respective priorities, of the liens and claims excepted in section 54 from the priority of the lien of the Board;
- (c) in payment of the rates and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Board in respect thereof.

(2) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same: provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made; and, in case such application shall not be so made or reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act.

62. If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any by-laws, rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, it shall be lawful for the Board to distrain or arrest on its own authority such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due is paid;

Recovery
and rates of
charges by
distrain of
vessel.

and, in case any part of the said rates or penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest has been so made, the Board may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such rates or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

63. If the Board gives to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of rates or penalties chargeable under this Act, or under any by-laws, rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on boards such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Grant of
port-
clearance
after pay-
ment of
rates.

64. Notwithstanding anything contained in the twelve sections last preceding and in sections 109, 110 and 112 the Board may recover by suit any rates, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof,

Alternative
remedy by
suit.

CHAPTER VII.

THE BORROWING POWERS OF THE BOARD.

Power to
raise loans.

65. (1) The Board may, with the previous sanction of the Local Government, and, in the case of a loan of an amount of not less than five lakhs of rupees, of the Governor-General in Council, and after due notification in the *Fort St. George Gazette*, raise loans for the purposes of this Act.

(2) Loans may be raised in the open market on Port Trust Securities or obtained from the Local Government or the Government of India or the Travancore or Cochin Darbar. The terms of all loans shall be subject to the approval of the Governor-General in Council.

Port Trust
Securities.

66. (1) The Board may, with the sanction of the Local Government, prescribe the form in which Port Trust Securities shall be issued, the mode in which and the conditions subject to which they may be transferred.

(2) The right to sue in respect of moneys secured by Port Trust Securities shall be exercisable by the holders thereof for the time being without preference in respect of priority of date.

Indian
Securities
Act appli-
cable to
Port Trust
Securities.

67. The provisions of sections 4, 5, 8, 9, 10 and 15 of the Indian Securities Act, 1920, shall *mutatis mutandis* x of 1920. apply to all securities issued by the Board subject in the case of section 9 to the substitution of the words 'Local Government' for the words 'Governor-General in Council' and subject in the case of sections 10 and 15 to the understanding that the word 'prescribed' shall mean 'prescribed by the Local Government or by the Board with the sanction of the Local Government.'

Power to
frame rules.

68. (1) The Board may from time to time make rules to provide for all or any of the following matters, viz.:—

- (a) the person, if any, authorized to sign, the mode of affixing the corporate seal and of attestation of documents relating to Port Trust Securities;
- (b) the manner in which payment of interest in respect of Port Trust Securities is to be made and acknowledged;
- (c) the circumstances and the manner in which Port Trust Securities may be renewed;
- (d) the circumstances in which such securities must be renewed before further payment of interest thereon can be claimed;
- (e) the form in which securities delivered for renewal and conversion are to be receipted;
- (f) the proof which is to be produced by persons applying for duplicate securities;

x of 1920.

- (g) the form and manner of publication of the notification mentioned in sub-section (2) of section 10 of the Indian Securities Act, 1920, as applied to Port Trust Securities and the manner of publication of the list mentioned in sub-section (3) of that section;
 - (h) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures alleged to have been wholly or partly lost or destroyed, or for the issue of duplicate debentures;
 - (i) the conditions subject to which Port Trust Securities may be converted;
 - (j) the amounts for which stock certificates may be issued;
 - (k) generally, all matters connected with the grant of duplicate, renewed and converted securities;
 - (l) the fees to be paid in respect of the issue of duplicate securities and of the renewal and conversion of Port Trust Securities; and
 - (m) the fees to be levied in respect of the issue of stock certificates.
- (2) The power to make rules under sub-section (1) is subject to the following conditions:—
- (i) A draft of the rules shall be published in three consecutive issues of the *Fort St. George Gazette*.
 - (ii) The same shall have no effect until approved by the Local Government after such publication and until such approval has also been published in the *Fort St. George Gazette*.
 - (iii) the Local Government may at any time by notification cancel any rule published under the provisions of this section.

69. All loans contracted by the Board shall be raised in ^{Place and} India, and in Indian currency, unless the Local Government, ^{currency of} with the previous sanction of the Governor-General in ^{loans raised} Council, shall, by a notification in the Gazette, otherwise direct.

70. All loans may be raised on the security of—

- (a) the property now vested, or which may hereafter ^{Security for} become vested in the Board, other than any sums set ^{loans.} apart by the Board as a sinking fund for the purpose of paying off any loan; and
- (b) the tolls, dues, rates, rents and charges leviable under this Act.

71. The Secretary of State for India in Council shall ^{Remedies of} have, in respect of loans made by him to the Board, or to ^{Secretary of} the Cochin Port Conservancy Board, the same remedies as ^{State in} debenture-holders; and he shall not be deemed to possess ^{respect of} any prior or greater rights in respect of such loans than ^{loans made} to Board. ^{debenture-holders.}

Power to
repay loans
before due
date.

72. The Board may apply any sum, not less than ten thousand rupees which can be so applied without prejudicing the security of the other debenture-holders of the Board, in repaying to the Secretary of State for India in Council any sum which may remain due to him in respect of the principal of any loan before the time fixed for the repayment of the same.

On any such repayment being made, the portion of any subsequent instalments which represents interest shall be reduced to such an amount as represents interest on the outstanding principal.

Establish-
ment of
sinking
fund.

73. In the case of loans raised by the Board which are not repayable before the expiration of one year from the date of the loan, the Board shall set apart half-yearly out of its income as a sinking fund a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the Governor-General in Council shall have been obtained, exceed thirty years; but the maximum period shall not in any case exceed sixty years:

Provided that a sinking fund need not in the absence of any stipulation to that effect be established in the case of loans taken from the Secretary of State for India in Council.

Investment
of sinking
fund.

74. (1) The sums so set apart shall be invested in securities of the Government of India, or in Port Trust Securities, and shall be held in trust for the purposes of the Act by two trustees, one being the Board and the other a person appointed by the Local Government.

Application
of sinking
fund.

(2) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that it pays into the fund in each year, and accumulates until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

Examina-
tion of
sinking
fund.

75. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant-General, Madras, who shall ascertain whether the cash and the current value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant-General may certify to be deficient.

Power to
raise loans
on short-
term bills.

76. Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914.

CHAPTER VIII.

EXPENDITURE.

77. (1) Subject to the provisions of section 97 and to any other law for the time being in force, the rents, income and other proceeds of any property vested in, or acquired by, the Board under this Act, and all moneys acquired by the Board under or by virtue of this Act shall be applied by the Board as follows and in the following order, namely:—

Objects on which Board may spend money.

- (a) the salaries, fees, allowances, pensions, gratuities, compassionate allowances, or other moneys due to the Chairman, Vice-Chairman, officers and servants appointed under this Act, and the contributions, if any, authorized to be made to any provident fund established for the benefit of the said officers and servants;
- (b) the cost of repairs to and the maintenance of the property vested in the Board, and all charges upon the same and all working expenses;
- (c) the payment of any interest which is from time to time owing by the Board;
- (d) payments to sinking funds and the repayment of the principal of loans as they fall due;
- (e) the cost or portion of the cost of any new work, plant, vessel, or appliance which the Board may determine to charge to revenue;
- (f) the remuneration of the members of the Board; and
- (g) generally for the purposes of this Act.

(2) The Board may, with the special sanction of the Local Government, incur expenditure on the provision of amenities for the recreation of its employees or otherwise for the promotion of their well being.

78. (1) The Board may, from time to time, set aside such sums out of its revenue surplus, as it thinks fit, as a reserve fund or funds for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purposes of replacement, or for meeting expenditure arising from loss or damage from fire, shipwreck or other accident, or for any other emergency arising in the ordinary conduct of its work under this Act:

Establishment of reserve fund.

Provided that the sums set aside as a reserve fund or funds shall not exceed such amount, annual or in the aggregate, as may from time to time be fixed by the Local Government.

(2) Such reserve fund or funds may be invested only in the promissory notes and other securities of the Government of India, or in Port Trust Securities.

Prior sanction of Local Government to charge expenditure to capital.

Works requiring sanction of Board or Local Government.

Restriction of expenditure to budget grant.

Limit to excess of expenditure over budget grant.

79. No expenditure shall be charged by the Board to capital without the previous sanction of the Local Government.

80. Before any new work, or appliance the estimated cost of which exceeds two thousand rupees, is commenced or provided by the Board, or any contract in respect of any such new work or appliance is entered into by the Board, a plan of and estimate for such work or appliance shall be submitted to, and approved by the Board; and, if the estimated cost of such new work or appliance exceeds twenty-five thousand rupees, the sanction of the Local Government to the plan and estimate shall be obtained before such work is commenced, or appliance provided.

81. Save in a case requiring immediate action, the Board shall not, without the assent of the Local Government, spend on any item of expenditure any greater sum than shall have been allotted for that item in an estimate approved by the Local Government and for the time being in force.

82. (1) In a case requiring immediate action the Board may, without the assent of the Local Government, spend on any item of expenditure on which the Board is empowered to spend money under this Act—

- (i) any sum not exceeding five thousand rupees in excess of any sum which may have been allotted for that item in an estimate approved by the Local Government and for the time being in force;
- (ii) any sum not exceeding five thousand rupees on any item, for which no funds have been allotted in any such estimate.

(2) Whenever the Board sanctions any expenditure under sub-section (1) the Chairman shall forthwith report to the Local Government the circumstances of the case and the manner in which the Board proposes to meet the expenditure.

CHAPTER IX.

ACCOUNTS, ESTIMATES AND CONTRACTS.

Audit and examination of accounts.

Power of auditors to call for books, etc.

83. The accounts of the receipts and expenditure of the Board shall, once in every year, be laid before the Local Government and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Local Government. For the purposes of any such audit and examination of accounts, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary; and may require any person holding or accountable for any such books, deeds, contracts, vouchers, documents, or papers to appear before

them at any such audit and examination or adjournment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof.

84. Within fourteen days after the audit and examination have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of their report to the Local Government and to the Board. The Board shall cause the report and an abstract of the accounts to be published in the *Fort St. George Gazette* and the *Malabar District Gazette*. Publication of audit report.

85. The auditors shall be paid by the Board such remuneration the Local Government may determine. Auditors' remuneration.

86. The Chairman shall, at a special meeting to be held on or before the twentieth day of January in each year, lay before the Board an estimate of the income and expenditure of the Board for the financial year then next ensuing. Every such estimate shall be in such form as the Local Government may prescribe. Submission to Board of annual estimate of income and expenditure.

87. Such estimate shall be printed, and a copy thereof sent by post or otherwise to each Trustee not less than ten clear days prior to the day appointed for the special meeting before which the estimate is to be laid under section 86. Circulation of estimate to Trustees.

88. It shall be in the discretion of the Board, at such meeting, to pass or to reject the estimate or to modify or alter it, and to pass it as so modified or altered. Revision and passing of estimate.

89. (1) Every such estimate, when so passed by the Board, shall be submitted to the Local Government not later than the tenth day of February; and the Local Government may either approve the estimate, or may return it with remarks and may call for such additional information as they may deem necessary; and the Board shall forthwith proceed to reconsider the estimate with reference to such remarks and shall furnish such additional information as the Local Government may call for and shall, if necessary, modify or alter the estimate and shall re-submit it to the Local Government. Approval of estimate by Local Government.

(2) The Local Government shall then pass, reject or modify all or any of the items entered in the estimate or add thereto any items. Provided that no such modification, rejection or addition be inconsistent with the provisions of this Act or involve the raising of a loan.

90. The Board may, in the course of any year for which an estimate has been approved by the Local Government, cause one or more supplemental estimates for the residue of such year to be prepared and laid before the Board; the procedure Preparation of supplemental estimates.

prescribed by sections 87, 88 and 89 shall, so far as it may be applicable, be followed in the case of such supplemental estimates.

Power to enter into contracts.

91. (1) Subject to the provisions of sub-section (2), the Board may enter into any contract for carrying into effect the purposes of this Act.

(2) Where the sum payable under any such contract exceeds twenty-five thousand rupees, the Board shall enter into the contract only with the assent of the Local Government.

Mode of executing contract.

92. Subject to such restrictions or conditions as the Board may determine, every contract for and on behalf of the Board shall be executed by the Chairman or Vice-Chairman in such manner and form as if such contract were on his own behalf.

Power to compound or compromise claims.

93. The Board may compound or compromise any claim or demand arising out of any contract entered into by the Board or any action or suit instituted by or against the Board.

CHAPTER X.

PILOTS AND HARBOUR-MASTERS.

Pilotage fees.

94. The Board shall have the right and privilege of maintaining pilots or harbour-masters for the navigation of vessels at the port, and all fees for pilotage shall be paid to the Board.

Appointment of pilots.

95. No person shall be appointed as pilot or harbour-master who is not for the time being authorized by the Local Government under the provisions of the Indian Ports Act, XV of 1908, 1908, to pilot vessels.

Rules and regulations regarding pilots.

96. (1) Notwithstanding anything contained in sections 22, 23 and 25, the Board may make special regulations for regulating the behaviour and conduct of pilots or harbour-masters, and may provide that any breach thereof shall render the person committing it liable to a penalty not exceeding two hundred rupees in addition to such punishment in the form of suspension, dismissal or the like as the Board may deem expedient to inflict.

(2) Such regulations shall have no effect until they have been approved by the Local Government and published in the *Fort St. George Gazette*.

Pilotage account.

97. In the accounts of the Board, a pilotage account shall be kept separate from the general account. All fees for pilotage and all fines and penalties levied under this Act from pilots or harbour-masters or other persons employed in the pilot service shall be credited to the pilotage account.

98. All sums credited to the pilotage account under section 97, may be applied, in such proportions as the Board may from time to time direct, to the following purposes only, namely :—

- (1) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the Board may deem it necessary to maintain or supply for the efficiency of the pilot service;
- (2) the payment of the salaries and allowances of pilots or harbour-masters and other officers and servants of the Board employed in the pilot service or in the supervision thereof;
- (3) the payment of pensions or retiring gratuities or compassionate allowances to pilots or harbour-masters and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any provident fund;
- (4) the payment of pensions, gratuities and compassionate allowances granted by the Board to pilots or harbour-masters and other officers and servants engaged in the pilot service, who have been injured in the execution of their duty and to the surviving relatives of pilots or harbour-masters, officers and servants so engaged, who may die in the service of the Board.

CHAPTER XI.

BY-LAWS.

99. The Board may, from time to time, make by-laws not inconsistent with the provisions of this Act or of the Indian Ports Act, 1908—

Power to
frame
by-laws.

- (1) for the guidance of persons employed by the Board under this Act;
- (2) for the safe and convenient use of the docks, wharves, quays, jetties, sheds, warehouses, railways, tramways and other works constructed by or vested in the Board under this Act;
- (3) for the use of the public landing places constructed by or vested in the Board;
- (4) for the reception, portorage, storage and removal of goods brought within the premises of the Board and for the exclusive conduct of these operations by the Board or persons employed by the Board;
- (5) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;
- (6) for the mode of the payment of the rates leviable under this Act;

- (7) for regulating, declaring and defining the docks, wharves, quays, jetties, stages and piers vested in the Board on which goods shall be landed from vessels and shipped on board vessels;
- (8) for regulating the lighterage of cargo between ships, or between ships and shore or between shore and ships;
- (9) for the exclusion from its premises of disorderly or other undesirable persons and of trespassers; and
- (10) generally for carrying out the purposes of this Act.

Validity of by-laws.

100. No by-law, or alteration or revocation of a by-law shall have effect until the same has been published in three successive issues of the *Fort. St. George Gazette* and one issue of the *Malabar District Gazette* and has been approved by the Local Government.

Penalties for infringement of by-laws.

101. The Board may provide that a breach of any by-law shall be punishable with fine which may extend to one hundred rupees and in case of a continuing breach with fine which may extend to fifty rupees for every day during which the breach continues after conviction for the first breach.

Exhibition of by-laws and scales of rates and charges.

102. The Board shall cause the said by-laws and the scales of rates leviable by the Board together with a statement of the conditions under which it is prepared to render services or to provide for services to be rendered to be hung up at the several wharves, docks and piers and other convenient places on the premises of the Board.

Cancellation of by-laws.

103. The Local Government may, by an order published in the *Fort St. George Gazette* and the *Malabar District Gazette* at any time annul any such by-law.

CHAPTER XII.

PENALTIES.

Penalty for being interested in contracts with Board.

104. Any person who, being a Trustee, or an officer or servant of the Board, shall, in any case not covered by clause (e) of sub-section (1) of section 8, acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Board, shall be deemed to have committed an offence punishable under section 168 of the Indian Penal Code.

XLV of 1860.

Penalty for obtaining illegal gratification.

105. Any officer or servant of the Board, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person; or for rendering or attempting to render any service or disservice to any person with the Board or with any

XLV of 1860.

public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

106. Any person who, when duly required so to do by any auditor of accounts under section 83, shall refuse or neglect to appear before such auditor or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable for every such neglect or refusal with fine which may extend to one hundred rupees. Penalty for refusing or neglecting to appear before an auditor of accounts, etc.

107. Whoever infringes any order issued under section 32 or 33 or violates any condition imposed under section 35 shall be punished with fine which may extend from ten to one hundred rupees; if the infringement or violation be continuing, with a further fine which may extend to one hundred rupees for every day during which such infringement or violation continues. Penalty for infringement of sections 32, 33 or 35.

108. Any person who without licence of competent authority wilfully deposits or permits his servants to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or broken glass, earthenware or rubbish, in or upon any wharf, dock or pier in the possession of the Board, or in or upon any part of the foreshore of the port shall be punishable with fine which may extend to ten rupees for each offence. Penalty for depositing filth, etc., on the wharves or foreshore.

109. (1) Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of the Local Government to his so doing, make, set up or fix, within the limits of the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection to remain after notice to remove the same has been given to him. Penalty for setting up wharves, quays, etc., without permission.

(2) Any such wharf, quay, pier, mooring or other erection within the limits of the port may be removed by the Board and the person who made, set up, or fixed the same, shall be liable to pay all expenses which may be incurred by the Board in the removal thereof. Such expenses shall, on the application of the Board, be recoverable under a Magistrate's warrant as if the amount were a fine inflicted by such Magistrate.

110. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight, quantity or description of such goods has been understated or incorrectly given in any document presented to any officer of the Board for the purpose of enabling him to determine the rates payable in respect Penalty for understating quantity or weight of goods, or incorrectly describing them.

of the said goods, the owner of such goods shall be liable to pay to the Board such sum not exceeding twice the proper rates on the whole weight or quantity of the consignment of goods so understated or incorrectly described, as may be determined by the Board, and the said sum shall, on the application of the Board, be recoverable under a Magistrate's warrant as if it were a fine inflicted by such Magistrate.

Penalty for evading rates, etc.

111. Any person who removes or attempts to remove, or abets the removal of, any vessel or goods with the intention of evading payment of the rates lawfully due in respect thereof to the Board, shall be punishable with fine which may extend to fifty rupees.

Recovery of value of damage to property of Board.

112. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale under a Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel: Provided that no Magistrate shall issue such a warrant until the master of the vessel has been summoned to appear before him and, if he appears, until he has been heard; and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized servant of the Board or officer in the pilot service of the port unless the damage caused was in no way attributable to the order, act or improper omission of such servant or officer.

Cognizance of offences against Act or by-laws.

113. Save as otherwise provided, no Magistrate other than a Magistrate of the first or second class shall try any offence against this Act or against any by-law published under section 100.

CHAPTER XIII.

MISCELLANEOUS.

Saving of power of Customs Collector under existing law.

114. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force.

Limitation of proceedings in respect of things done under the Act.

115. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act until the expiration of one month after notice in writing has been given to him stating the cause of action or after the expiration of six months from the date on which the cause of action for such suit or proceeding arose.

xv of 1908.

116. (1) The Board shall not be liable for any act or default of any officer or servant appointed under this Act, or under the Indian Ports Act, 1908, if the Board be appointed by Government under the Indian Ports Act to be Conservator of the Port, or of any person acting under the authority or direction of any such officer unless such act or default is done or made under the direction of the Board;

Saving of liability of Board for acts of officers or servants.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bona fide* done, or ordered to be done by them in pursuance of this Act.

(2) Notwithstanding anything contained in sub-section (1), the Board may, in any special case, with the sanction of the Local Government, award compensation to any person for any act done, default made or damage caused by the Board or any of its employees.

117. (1) The Local Government may make rules to carry out the purposes of this Act.

Power of Local Government to make rules under the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,

- (a) the qualifications of persons to be elected as Trustees of the Board;
- (b) the salary and allowances to be paid to the Chairman, Vice-Chairman and persons appointed to act during their absence on leave and the conditions and restrictions upon and under which the same are payable;
- (c) the fees payable to the Chairman, Vice-Chairman and other Trustees of the Board for attendance at meetings and the conditions and restrictions upon and under which such fees are payable;
- (d) the enquiry into and decision of objections referred to in section 18;
- (e) the conditions subject to which the Board may relinquish the performance of any of the services specified in clauses (a) and (b) of sub-section (1) of section 38 or enter into any agreement accepting a greater or less liability than that imposed on the Board by sub-section (1) of section 39;
- (f) the form of the receipt to be given under sub-section (3) of section 38 by the Board, or under sub-section (1) of section 41 by a person to whom any services have been relinquished; and
- (g) the form of annual estimates of income and expenditure to be laid before the Board under section 86.

(3) The power to make rules under this section is subject to the following conditions:—

(a) a draft of the rules shall be published in the *Fort St. George Gazette* and the *Malabar District Gazette*;

(b) such draft shall not be further proceeded with until one month after such publication;

(c) all rules made under this section shall be published in the *Fort St. George Gazette* and the *Malabar District Gazette*, and upon such publication shall have effect as if enacted in this Act.

Submission
of returns
and informa-
tion to Local
Government.

118. The Chairman shall supply such returns and information as may be called for by the Local Government for the purposes of this Act.

Power of
Local
Government
to take
possession
of works and
cancel
powers of
the Board.

119. If at any time, it appears to the Local Government that the works intended to be executed by the Board under this Act have not been, and are not likely to be properly carried out or maintained by the Board, the Local Government may give six months' notice by order published in the *Fort St. George Gazette*, that unless, within that period, the Board take measures to the satisfaction of the Local Government for the carrying out or maintenance of the said works, the powers by this Act conferred on the Board shall, at the end of such period, be withdrawn or revoked. If, at the end of such period, the Board has not taken such measures, the Local Government may assume possession and management of the works already constructed, and may, by a like notification, declare the powers of the Board to be withdrawn or revoked; and upon publication of such notification, all immovable and movable property, all rights of levying and recovering rates and penalties, all benefit of contracts, and all rights of suit which at the time are vested in the Board, shall be transferred to, and vested in, the Secretary of State for India in Council; and the rights of all creditors of the Board under this Act shall continue as against the Secretary of State for India in Council to the extent of the property so transferred to and vested in him.

MADRAS ACT No. I of 1926.¹

[THE MADRAS INDIAN PORTS (AMENDMENT) ACT, 1925.]

[26th January, 1926.]

An Act to amend the Indian Ports Act, 1908, in its application to the Presidency of Madras.

Preamble.

WHEREAS it is expedient to amend the Indian Ports Act, 1908, in its application to the Presidency of Madras, and ^{Act XV of 1908.}

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 13th October 1925—Part IV p. 160.

whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the “ Madras Indian Ports Short title. (Amendment) Act, 1925 ”.

2. For clause (a) of Explanation 1 to Part II of the First Schedule to the Indian Ports Act, 1908, the following clause shall be substituted, namely,—

“ Ship ” means a vessel propelled solely by wind power and “ steamer ” any vessel other than a ship.

Amendment
of Part II
of the First
Schedule of
Act XV of
1908.

THE ANDHRA UNIVERSITY ACT, 1925.

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SCHEDULES.

MADRAS ACT II OF 1926.¹

[THE ANDHRA UNIVERSITY ACT, 1925.]

[26th January, 1926.]

Preamble.

WHEREAS it is expedient to constitute and incorporate a University in and for the Telugu districts of the Presidency of Madras;

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 11th August 1925—Part IV—pp. 148-150.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Andhra University Act, 1925. Short title,
extent and
commence-
ment.

(2) It shall come into force on such dates and in such local areas as the Local Government may, by notification, appoint.

(3) From the date of the coming into force of this Act the Madras University Act, 1923, shall not apply in areas to which the provisions of this Act apply.

(4) The Local Government may, by notification, exclude any district or part of a district or any college or institution from the operation of this Act.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(a) 'Affiliated College' means a college within the University area already affiliated to the Madras University or a College established by or affiliated to the University as providing courses of study qualifying students for admission to University examinations. It includes a College in Arts or Science and professional, technical or technological college.

(b) 'University College' means a college which is established or recognized by the University as making provision for honours or post-graduate courses of study qualifying students for admission to the higher Degrees of the University according to the Regulations prescribed.

(c) 'First-grade College' means a college which is recognized by the University as providing courses of study qualifying students for admission to the examinations for the ordinary Degree in Arts or Science in accordance with the Regulations prescribed.

(d) 'Second-grade College' means a college which is recognized by the University as providing courses of study qualifying students for admission to the Intermediate Examination in Arts and Science according to the Regulations prescribed but not to the Degree examinations of the University.

(e) 'Special Grade College' means an institution providing courses of study in Oriental languages or in other special subjects and preparing students for degrees, titles or diplomas in accordance with the Regulations prescribed.

- (f) ' District ' means a district within the area comprising the present districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur ¹ [or] Nellore, ² [* * *] to which this Act applies.
- (g) ' Hostel ' means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act.
- (h) ' Prescribed ' means prescribed by the Statutes, Ordinances or Regulations.
- (i) ' Principal ' means the head of a college.
- (j) ' Registered graduates ' means graduates registered under conditions prescribed in this behalf.
- (k) ' Teachers of the University ' means teachers appointed by the University to give instruction on its behalf.
- (l) ' Teachers ' means Professors, Readers and Lecturers and such persons giving instruction in the University or in any affiliated college as may be declared by the statutes to be teachers.
- (m) ' University ' means the Andhra University as constituted under this Act.
- (n) ' University area ' means the area comprising the districts to which this Act applies.
- (o) ' University Professor ' means a person appointed as such by the University.

CHAPTER II.—THE UNIVERSITY.

The Univer-
sity.

3. (1) There shall be constituted in and for the area comprising the present districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur ³ [and] Nellore, ⁴ [* * * *] a University by the name of the Andhra University which shall consist of a Chancellor, a Pro-Chancellor, a Vice-Chancellor, a Senate, a Syndicate and an Academic Council; it shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said corporate name.

(2) The headquarters of the University shall be located at ⁵ [Vizagapatam].

¹ This word was inserted by section 2 of the Andhra University (Second Amendment) Act, 1929 (Madras Act VI of 1929).

² The words ' Bellary, Anantapur, Cuddapah, Kurnool and Chittoor ' were omitted by section 2 *ibid*.

³ This word was inserted by section 3 of the Andhra University (Second Amendment) Act, 1929 (Madras Act VI of 1929).

⁴ The words ' Bellary, Anantapur, Cuddapah, Kurnool and Chittoor ' were omitted by section 3 *ibid*.

⁵ This word was substituted for the word ' Bezvada ' by section 2 of the Andhra University (Amendment) Act, 1929 (Madras Act IV of 1929).

4. The University shall have the following powers, Powers of
namely :— the Univer-
sity.

- (1) to provide for instruction in such branches of learning as may be considered suitable and to make provision for research and for the advancement and dissemination of knowledge;
- (2) to hold examinations and to confer degrees and other academic distinctions on persons who have pursued a course of study in the University;
- (3) to promote the development of the study of Telugu, Kanarese, Urdu and Oriya and their use as media of instruction and examination;
- (4) to confer degrees and other academic distinctions on persons who have carried on research under conditions prescribed;
- (5) to confer honorary degrees or other distinctions on approved persons under conditions prescribed;
- (6) to institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University;
- (7) to hold and manage endowments and to institute and award fellowships, scholarships, exhibitions, medals and prizes;
- (8) to maintain colleges and hostels, to recognize colleges and hostels not maintained by the University and to withdraw such recognition;
- (9) to erect, equip and maintain laboratories and libraries;
- (10) to fix fees and to demand and receive such fees as may be prescribed;
- (11) to make grants from the funds of the University for the maintenance of a University Corps;
- (12) to institute and provide funds for the maintenance of—
 - (a) a Publication Bureau,
 - (b) an Employment Bureau,
 - (c) Students' Unions,
 - (d) University Extension Boards;
- (13) to co-operate with other Universities and authorities in such manner and for such purposes as may be determined; and
- (14) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, to cultivate and promote arts, sciences, professional studies, technology and other branches of learning including Oriental and to promote the interests of its students.

University
open to all
classes and
creeds.

5. No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed, class, or caste and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privilege thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Statutes to those not unwilling to receive it.

Admission of
educational
institutions
as colleges.

6. (1) The colleges in the University area that are now affiliated to the Madras University shall be, and shall have the privileges of, affiliated colleges under the Act.

(2) The University shall have power to admit a college to affiliation as University College, a First-Grade College, a Second-Grade College or a Special Grade College, in accordance with Statutes.

(3) The University shall not, however, establish a University College or a First Grade College nor affiliate any institution as a University College, ¹ [* * * *] unless the buildings of the institution are situate ² [in the headquarters of the University] or within ten miles of the limits thereof.

³ [(4) * * * *].

Residence.

7. Every student of the University shall reside in a hostel or under such conditions as may be prescribed.

The Visitor.

8. (1) The Governor-General shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

¹ The words 'or as a First Grade College' were omitted by section 2 of the Andhra University (Third Amendment) Act, 1930 (Madras Act XIII of 1930).

² These words were substituted for the words 'in the town of Vizagapatam, Rajahmundry or Anantapur' by section 2 of the Andhra University (Second Amendment) Act, 1930 (Madras Act XII of 1930).

³ Sub-section (4) was omitted by section 2 (ii) of the Andhra University (Third Amendment) Act, 1930 (Madras Act XIII of 1930).

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon.

(5) The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions.

CHAPTER III.—OFFICERS OF THE UNIVERSITY.

9. The following shall be the officers of the University:—
 (i) The Chancellor,
 (ii) The Pro-Chancellor,
 (iii) The Vice-Chancellor,
 (iv) The Registrar, and
 (v) such other officers as the Statutes may declare to be officers of the University.

Officers
of the
University.

10. (1) The Governor of Madras shall be the Chancellor. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at Convocations of the University; he shall exercise such other powers and perform such other duties as may be imposed on him under the provisions of this Act.

The Chan-
cellor.

(2) Where power is conferred upon the Chancellor to nominate persons to any authorities, he shall, to the extent necessary, nominate persons to represent communities or interests not otherwise adequately represented.

11. (1) The Pro-Chancellor of the University shall be nominated by the Chancellor and shall hold office for a period of three years.

The Pro-
Chancellor.

(2) In the absence of the Chancellor, or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the functions of the Chancellor.

12. (1) (a) The Vice-Chancellor shall be a whole-time officer of the University and shall be elected by the Senate.

The Vice-
Chancellor.

(b) He shall hold office for a period of three years and shall be eligible for re-election and may be paid such salary as shall be prescribed.

(c) He shall be the principal executive officer of the University and shall exercise general control over its affairs.

(d) He shall, by virtue of his office, be a member and Chairman of the Syndicate and of the Academic Council, and shall preside at the meetings of the Senate in the absence of the Chancellor and the Pro-Chancellor.

(e) He shall be entitled to be present at and address at any stage any meeting of any authority of the University but not to vote thereat, unless he is a member of such authority.

(f) He shall have power to convene meetings of the Senate, the Syndicate and the Academic Council.

(g) It shall be his duty to see that the provisions of this Act, the Statutes, Ordinances and Regulations are duly observed and he may exercise all powers necessary for this purpose.

(h) He shall give effect to the orders of the Syndicate regarding the appointment, suspension and dismissal of the teachers and servants of the University.

(2) (a) When, with regard to any matter in which an officer or authority may take action, the Vice-Chancellor considers immediate action desirable, he may with the sanction of the Chancellor take such action as may be necessary but shall, as soon as may be, report the action taken to the officer or authority concerned.

(b) An appeal shall lie to the Syndicate against any action taken by the Vice-Chancellor under this sub-section affecting any person in the service of the University, at the instance of such person. Such appeal shall be filed within thirty days from the day on which such person has notice of the action taken.

(3) In the temporary absence of the Vice-Chancellor on leave, by reason of illness or other cause, or pending the filling of a vacancy caused in any other manner, his duties shall be performed in such manner as the Syndicate may, subject to the approval of the Chancellor, direct.

The Registrar.

13. (1) The Registrar shall be a whole-time paid officer of the University appointed by the Senate from among three persons recommended by the Syndicate.

(2) He shall be appointed for five years and shall be eligible for re-appointment.

(3) The Registrar shall act as the Secretary of the Syndicate, the Senate and the Academic Council and shall exercise such powers and perform such duties as may be prescribed.

CHAPTER IV.—AUTHORITIES OF THE UNIVERSITY.

14. The following shall be the authorities of the University :—

- (i) The Senate,
- (ii) „ Syndicate,
- (iii) „ Academic Council,
- (iv) „ Faculties,
- (v) „ Boards of Studies, and
- (vi) such other authorities as the Statutes may declare to be authorities of the University.

The Senate.

15. The Senate shall consist of the following persons, namely,—

Class I—Ex officio Members.

- (1) The Chancellor,
- (2) „ Pro-Chancellor,
- (3) „ Vice-Chancellor,
- (4) „ Director of Public Instruction,
- (5) „ Surgeon-General with the Government of Madras,
- (6) „ Director of Industries,
- (7) „ Director of Agriculture,
- (8) „ Principals of affiliated colleges,
- (9) „ Whole-time University professors paid from University funds, and
- (10) „ Members of the Syndicate who are not otherwise members of the Senate.

Class II—Life Members.

(1) Such number of persons not exceeding three as may be appointed, on the recommendation of the Syndicate, by the Senate to be life members on the ground that they have rendered eminent services to education;

(2) all persons who make a donation of not less than Rs. 25,000 to or for the purposes of the University.

Class III—Other Members.

(1) Fifteen persons elected by registered graduates from among themselves according to the principle of proportional representation by means of the single transferrable vote;

(2) three persons elected by the Academic Council from among its members;

(3) five persons elected from among themselves by the non-official members of the Legislative Council of Madras, who are residents ¹ [of any of the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor];

(4) two persons elected from among themselves by the headmasters of secondary schools ² [in the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor] recognized by the Local Government;

(5) (a) one person elected from among themselves by the members of the municipal councils and taluk boards and such members of the district board as are not members of these bodies in each district in the University area, ³ [* * * *];

(b) two persons elected from among themselves by the members of the municipal councils and taluk boards and such members of the district board as are not members of these bodies in each of the districts of Bellary, Anantapur, Cuddapah, Kurnool and Chittoor;

(6) two persons elected from among themselves by such of the landholders ⁴ [of any of the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor] as are included in the electoral roll for the landholders constituency of the Madras Legislative Council;

(7) twelve persons nominated by the Chancellor of whom not less than four shall be nominated to secure the representation of communities and interests not otherwise adequately represented and not less than four shall be nominated to represent the Adi-Andhras and other depressed classes;

(8) (a) every association making a donation of not less than Rs. 20,000 and every person making a donation of not less than Rs. 10,000 to or for the purposes of the University shall be entitled to nominate one person who shall be a member for three years;

(b) every association or person making an annual contribution of not less than Rs. 3,000 to or for the purposes of the University shall be entitled to nominate one member who shall be a member so long as the annual contribution continues;

¹ These words were substituted for the words " of the University area " by section 2 (i) of the Andhra University (Amendment) Act, 1930 (Madras Act VIII of 1930).

² These words were substituted for the words " of the University area " by section 2 (ii) *ibid.*

³ The words " other than the districts of Bellary, Anantapur, Cuddapah, Kurnool and Chittoor " were omitted by section 2 (iii) *ibid.*

⁴ These words were substituted for the words " of the University area " by section 2 (iv) *ibid.*

(9) five persons to represent the chief languages in the University area chosen by election in such manner as may be prescribed and allotted as follows :—

Telugu	...	...	...	...	Two.
Kanarese	...	...	...	...	} One each.
Urdu	...	...	...	...
Oriya	...	...	...	...

Save as otherwise provided, members of the Senate other than *ex officio* members shall hold office for a period of three years :

Provided, however, that a person nominated or elected in his capacity as a member of a particular body or the holder of a particular appointment shall not, if he ceases to be member of that body or the holder of that appointment, as the case may be, for a period of less than three months, cease to be a member of the Senate.

16. (1) The Senate shall be the supreme governing body of the University and shall have power to review the action of the Syndicate and the Academic Council (save where the Syndicate and the Academic Council have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances). Powers of the Senate.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power

- (a) to make Statutes and to amend or repeal the same and to consider, modify or cancel Regulations and Ordinances;
- (b) to provide for instruction and training in such branches of learning as it thinks fit;
- (c) to institute, maintain and manage or recognize and control colleges;
- (d) to provide for research and the advancement and dissemination of knowledge;
- (e) to institute Professorships, Readerships, Lecturerships and other teaching posts required by the University;
- (f) to establish, equip and maintain University laboratories and libraries;
- (g) to affiliate to the University colleges under conditions to be prescribed in this behalf and to withdraw affiliation from colleges, after consultation with the Academic Council;
- (h) to confer degrees and other academic distinctions on persons who
 - (i) shall have pursued an approved course of study in an affiliated college and shall have passed the prescribed examinations of the University, or
 - (ii) shall have carried on research under conditions prescribed;

- (i) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (j) to institute fellowships, travelling fellowships, scholarships, exhibitions, medals and prizes;
- (k) to provide for lectures and instruction to persons not being students of the University and to grant diplomas to them;
- (l) to establish, maintain and manage hostels;
- (m) to recognize hostels not maintained by the University and to withdraw recognition therefrom;
- (n) to supervise and control the residence and discipline of the students of the University and to make arrangements for promoting their health and general welfare;
- (o) to prescribe the fees to be charged for the affiliation of colleges for admission to the examinations, degrees and diplomas of the University and for the registration of graduates;
- (p) to consider and pass resolutions on the annual report, the annual accounts and the financial estimates of the University;
- (q) to enter into any agreement with the Government or with a private management for assuming the management of any institution and taking over its properties and liabilities or for any other purpose not repugnant to the provisions of this Act;
- (r) to co-operate with other Universities and authorities for such purposes and in such manner as it determines;
- (s) to delegate such of its powers as it deems fit to any authority or authorities constituted under this Act.

(3) The Senate shall exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of the Act.

Meetings of
the Senate.

17. (1) There shall be at least two ordinary meetings of the Senate in a year, one of which shall be called the annual meeting.

The Senate may also meet at such other times as it or the Vice-Chancellor may from time to time determine.

(2) Upon a requisition in writing signed by not less than twenty members of the Senate, the Vice-Chancellor shall convene a meeting of the Senate.

(3) Twenty members shall form the quorum for a meeting of the Senate.

(4) In the absence of the Chancellor, the Pro-Chancellor and the Vice-Chancellor from any meeting of the Senate, the members present at the meeting shall choose one of their number to preside thereat.

18. The Syndicate shall, in addition to the Vice-Chancellor, consist of the following persons, namely:—
The Syndicate.

¹ [Class I.—*Ex officio* Members.

- (1) The Director of Public Instruction.
- (2) The Financial Secretary to the Local Government.]

Class II—*Other Members.*

- (1) Five persons elected by the Senate from among its members;
- (2) three persons elected by the Academic Council from among its members;
- (3) ² [three persons] nominated by the Chancellor.

Provided always that no teacher of the University shall be elected or nominated a member of the Syndicate.

Save as otherwise provided, members of the Syndicate other than *ex officio* members shall hold office for a period of three years:

Provided, however, that a person nominated or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall not, if he ceases to be member of that body or the holder of that appointment, as the case may be, for a period of less than three months, cease to be a member of the Syndicate.

19. The Syndicate

- (a) shall direct the form, custody and use of the common seal of the University;
- (b) shall hold, control and administer the property and funds of the University;
- (c) shall, on the recommendation of the committee of selection constituted by the Statutes, appoint the teachers of the University, fix their emoluments and define their duties and the conditions of their service;
- (d) shall have power to suspend or dismiss teachers of the University subject to such Statutes as may be framed in this behalf;
- (e) shall appoint the servants of the University, fix their emoluments and define their duties and the conditions of their service;
- (f) shall have power to suspend or dismiss servants of the University;
- (g) shall award prizes, medals and scholarships in accordance with the rules laid down by the Senate;

Powers and duties of the Syndicate.

¹ This heading and the items thereunder were substituted for the original heading and its item by section 3 (1) of the Andhra University (Amendment) Act, 1930 (Madras Act VIII of 1930).

² These words were substituted for the words 'two persons' by section 3 (2) *ibid.*

- (h) shall appoint examiners in consultation with the Boards of Studies and fix their fees;
- (i) shall, subject to the provisions of this Act and the Statutes, arrange for and direct the inspection of all affiliated colleges and hostels;
- (j) shall conduct the University examinations and publish the results thereof;
- (k) shall have the power to establish, manage and control a Publication Bureau, an Employment Bureau, Students' Unions and University Extension Boards;
- (l) shall have power to accept on behalf of the University endowments, bequests, donations and other transfers of property made to it; all such endowments, bequests, donations and transfers shall be reported to the Senate at its next meeting;
- (m) (i) shall regulate and determine all matters concerning the University in accordance with, and exercise such other powers as may be conferred by and perform such other duties as may be imposed by this Act, the Statutes and the Ordinances;
(ii) shall administer all funds placed at the disposal of the University for specific purposes;
- (n) shall charge and collect such fees as may be prescribed.

The Finance Committee. ¹ [19 A. There shall be constituted a Finance Committee which shall consist of the following persons, namely:—

- (1) the Vice-Chancellor;
- (2) the Financial Secretary to the Local Government;
- (3) one member appointed by the Syndicate from among its members, provided that no one who is nominated to the Syndicate by the Chancellor shall be eligible for appointment under this clause; and
- (4) one member nominated by the Chancellor from among the three persons nominated by him to the Syndicate.]

Financial estimates, etc., of the University to be referred to the Finance Committee for scrutiny and opinion.

¹ [19 B. The financial estimates of the University, its accounts and all proposals involving expenditure for which no provision has been made in the budget or involving expenditure in excess of the amount provided in the budget of the year shall be referred to the Finance Committee for scrutiny and opinion before they are taken up for final consideration by the Syndicate:

Provided that the Vice-Chancellor may, in cases of emergency, for reasons to be recorded in writing, incur any expenditure for which no provision has been made in the

¹ Sections 19 A and 19 B were inserted by section 4 of the Andhra University (Amendment) Act, 1930 (Madras Act VIII of 1930).

budget or which is in excess of the amount provided in the budget without such previous reference to the Finance Committee.]

20. The Syndicate shall prepare an annual report of the Annual University and submit it to the Senate on or before such date ^{report.} as may be prescribed by the Statutes.

The report shall be considered by the Senate at its next annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate of the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Local Government for information.

21. (1) The Syndicate shall prepare the annual accounts Annual of the University and submit them to such audit as the Local ^{accounts.} Government may direct. The accounts when audited shall be published in the *Fort St. George Gazette* and copies thereof, together with copies of the audit report, shall be submitted to the Senate and the Local Government.

(2) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year and submit the same to the Senate.

(3) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

22. (i) The members of the Academic Council in addition ^{The Academic Council.} to the Vice-Chancellor shall be—

Class I—Ex officio Members.

- (1) The Director of Public Instruction.
- (2) „ University Professors.
- (3) „ Principals of affiliated colleges.

Class II—Other Members.

(1) Three persons who are not teachers elected by the Senate from among its members;

(2) members of the Senate appointed under clause (9) of class III of section 15 to represent the chief languages in the University area.

(ii) The Academic Council as constituted under sub-clause (i) may co-opt as members teachers of the affiliated colleges not exceeding fifteen, in accordance with the Regulations and so as to secure adequate representation of different branches of learning and of the colleges.

(iii) Save as otherwise provided, members of the Academic Council other than *ex officio* members shall hold office for a period of three years :

Provided, however, that a member nominated or elected in his capacity as a member of a particular body or the holder of a particular appointment shall not, if he ceases to be member of that body or the holder of that appointment, as the case may be, for a period of less than three months, cease to be a member of the Academic Council.

Powers of
the Academic
Council.

23. (1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the power by Regulations of prescribing all courses of study and of determining curricula and have general control of teaching within the University and be responsible for the maintenance of the standards thereof.

It shall have power to make Regulations consistent with this Act and the Statutes relating to all matters which by this Act or the Statutes may be provided for by Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power—

- (a) to advise the Syndicate on all academic matters;
- (b) to constitute from among its own members such faculties as may be prescribed;
- (c) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching;
- (d) to make proposals to the Senate for the institution of Professorships, Readerships, Lecturerships or other teaching posts and in regard to the duties and emoluments thereof;
- (e) to make recommendations to the Syndicate for the recognition of teachers qualified to give instruction in affiliated colleges and hostels;
- (f) to call for reports from the persons engaged in research and to make recommendations to the Syndicate thereon;
- (g) to control and manage the University library or libraries, to frame rules regarding its or their use and to appoint a library committee or committees;
- (h) to make Regulations for the encouragement of co-operation and reciprocity among colleges with a view to promoting academic life;
- (i) to make Regulations regarding the admission of students to the University or prescribing examinations to be recognized, with the previous sanction of the Governor-General in Council, as equivalent to University examinations or the further qualifications mentioned in sub-section (1) of section 33 for admission to the degree courses of the University;

- (j) to make Regulations relating to courses, examinations and the conditions on which students shall be admitted to examinations for the degrees of the University;
- (k) to make Regulations relating to the use of Telugu, Kanarese, Urdu and Oriya as media of instruction and examination;
- (l) to decide the conditions under which exemptions relating to the admission of students to examinations may be given;
- (m) to appoint a standing committee and to delegate to it power to execute any of the functions assigned by this Act to the Academic Council.

24. The constitution and functions of the Faculties and Boards of Studies shall be prescribed by the Statutes: The Faculties and Boards of Studies.

Provided that no person shall be a member of a Faculty who is not a member of the Academic Council.

25. (i) Every Faculty shall comprise such departments of teaching as may be prescribed by the Regulations. Departments of teaching.

(ii) Separate Boards of Studies shall be attached to each department of teaching.

CHAPTER V.—GENERAL.

26. No person shall be qualified for election or nomination as a member of any of the authorities of the University if he— Disqualification for membership.

(a) is at the date of election or nomination of unsound mind, a deaf-mute or suffers from contagious leprosy, or

(b) is an uncertificated bankrupt or undischarged insolvent, or

¹ [(c) has been convicted and sentenced by a criminal court to transportation or to imprisonment for a period of more than one year for an offence, not being of a political character, unless such sentence has been reversed or the offence has been pardoned or a period of five years has elapsed from the date of the expiration of the sentence.]

27. Save as otherwise provided, if any question arises whether a person has been duly elected or nominated as or is entitled to be a member of any authority of the University, the question shall be referred to the Chancellor whose decision thereon shall be final. Disputes as to constitution of University authorities.

Clause (c) of section 26 was substituted for the original by section 3 of the Andhra University (Third Amendment) Act, 1930 (Madras Act XIII of 1930).

Constitution of committees. **28.** All the authorities of the University shall have power to appoint committees; such committees may, unless there be some special provision to the contrary, consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

Proceedings of University bodies not invalidated by vacancies. **29.** No act or proceeding of any authority or other body of the University shall be deemed invalid by reason only of some defect in the constitution of the authority or body or by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of its members.

Filling of vacancies. **30.** All vacancies among the members of any authority or body of the University shall be filled as soon as conveniently may be by the person or body who appointed, elected or co-opted the member whose place has become vacant.

¹ [Provided that vacancies arising by efflux of time among elected members of any authority or body of the University may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days, not earlier than two months from the date on which the vacancies arise, as he thinks fit.]

Removal from membership of the University. **31.** The Senate may, on the recommendation of not less than two-thirds of the members of the Syndicate for the time being in India and by the votes of not less than two-thirds of the members present and voting, remove the name of any person from the register of graduates and remove any person from membership of any authority or board of the University if he has been convicted by a Court of law of what in the opinion of the Senate is a ² [non-political] offence involving moral delinquency or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the University.

The Senate may also remove any person from the membership of any authority of the University if he becomes of unsound mind or a deaf-mute or suffers from contagious leprosy or has applied to be or is adjudicated a bankrupt or insolvent.

CHAPTER VI—TEACHING AND ADMISSION OF STUDENTS.

Attendance at recognized instruction. **32.** (1) No attendance at any instruction other than that conducted or recognized by the University shall qualify for admission to an examination of the University other than the entrance examination to the University.

¹ This proviso was added by section 2 of the Andhra University (Third Amendment) Act, 1929 (Madras Act XVI of 1929).

² This word was substituted for the word "serious" by section 4 of the Andhra University (Third Amendment) Act, 1930 (Madras Act XIII of 1930).

(2) The authorities responsible for organizing such instruction shall be those prescribed.

(3) The courses of study and curricula shall be those prescribed.

33. (1) No student shall be eligible for admission to a course of study qualifying for admission to a post-matriculation University examination unless he has passed the examination prescribed as qualifying for admission to such course or an examination recognized by the Academic Council, with the previous sanction of the Governor-General in Council, as equivalent thereto and possesses such further qualifications, if any, as may be prescribed.

(2) Every candidate for a University examination shall, unless exempted from the provisions of this sub-section by an order of the Syndicate, made in accordance with conditions laid down by the Academic Council, be an enrolled member of an affiliated college.

CHAPTER VII.—MISCELLANEOUS.

34. (1) Save as otherwise provided, every salaried officer and teacher of the University shall be appointed under a written contract.

(2) The contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

35. Where any pension, insurance or provident fund has been constituted by the University for the benefit of its officers, teachers or servants, the Governor-General in Council may declare that the provisions of the Provident Funds Act, 1897, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER VIII.—UNIVERSITY FUNDS, ETC.

36. (1) The University may establish under its direct control and management such scientific and technical colleges as may be agreed upon from time to time between the University and the Government.

(2) The Local Government shall, on such conditions as may be agreed upon, provide or contribute towards the buildings and equipment required for such colleges and also make an annual grant to the University for maintaining the institutions.

37. The University shall have a fund to which shall be credited—

(1) its income from fees, endowments and grants, if any; ¹ []

¹ The word "and" was omitted by section 5 of the Andhra University (Amendment) Act, 1930 (Madras Act VIII of 1930).

(2) contributions which may be made by the Local Government on such conditions as they may impose towards the development of laboratories, libraries, museums and workshops and the salaries of such teachers of the University as are appointed for research and for the advancement and dissemination of knowledge in particular branches of learning; and

¹ [(3) an annual block grant of not less than one and a half lakhs of rupees made by the Local Government for the general expenditure of the University each year.]

Foundation
Fund.

² [37 A. (1) The University shall have a fund called the Foundation Fund.

(2) The Foundation Fund shall consist of:

- (a) the sum of twenty-seven lakhs of rupees which shall be given to it by the Local Government;
- (b) any contributions to this fund which may be made by the Local Government, the Government of India, any local or other public body, or others;
- (c) any contributions to this fund which may be made by the University; and
- (d) the sum of three lakhs and eighty-five thousand rupees in securities and cash which stands to the credit of the Foundation Fund of the University.

(3) The Foundation Fund shall be invested, and be kept invested, in securities, issued or guaranteed by the Government of India, or by Local Governments in British India, and such investments shall not be varied without the consent of the Chancellor.

(4) The corpus of the Foundation Fund shall be kept intact but the interest thereon may be utilized for the purposes of the University.]

Constitution
of other
funds, etc.

² [37 B. The University shall have such other funds and maintain such accounts as the Senate may determine.]

Contribution
by Govern-
ment to the
University
for buildings
and equip-
ment.

² [37 C. The Local Government shall, subject to such conditions as may be agreed upon between them and the University, give for the buildings and equipment of the University a sum of seven and a half lakhs of rupees to which they may add such further sums as they may deem fit from time to time.]

¹ Clause (3) was inserted by section 5 of the Andhra University (Amendment) Act, 1930 (Madras Act VIII of 1930).

² Sections 37 A, 37 B and 37 C were inserted by section 6 *ibid.*

38. The Local Government may at any time after the passing of this Act transfer to the University the control and management of any of their institutions on such terms and conditions as may be deemed proper. In the case of such transfer, the Local Government shall make a contribution annually of a sum equivalent to the average annual net expenditure from Provincial funds on the institution during the three years immediately preceding the year of transfer.

CHAPTER IX.—STATUTES, ORDINANCES AND REGULATIONS.

39. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely,—

- (a) the constitution, powers and duties of the authorities of the University;
- (b) the powers, duties and conditions of service of the officers of the University other than the Chancellor and the Pro-Chancellor;
- (c) the method of election to the authorities of the University and, save as otherwise provided, the procedure at meetings of such authorities, including the quorum for the transaction of business by them;
- (d) the conditions of affiliation of colleges affiliated to the University;
- (e) the giving of religious instruction;
- (f) the classification and the mode of appointment of the teachers of the University;
- (g) the holding of Convocations to confer degrees;
- (h) the conferment of honorary degrees;
- (i) the institution of a pension or provident fund for the benefit of the teachers of the University or its servants;
- (j) the maintenance of a register of registered graduates;
- (k) the discipline of students; and
- (l) all matters which by this Act may be prescribed by the Statutes.

40. (1) The Statutes set out in the schedule shall have effect as if duly enacted under the provisions of this Act.

Statutes how made.

(2) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(3) The Senate before passing a Statute taken into consideration of its own motion and affecting the powers or duties of any officer or authority of the University, shall ascertain and consider the views of the officer or authority concerned and of the Syndicate thereon.

(4) The Syndicate shall not propose the draft of a Statute—

(a) affecting the status, powers or constitution of any authority of the University until such authority is given an opportunity of expressing its opinion on the proposal; such opinion shall be in writing and the draft Statute together with such opinion shall be considered by the Senate and submitted to the Chancellor;

(b) affecting the conditions of affiliation of colleges to the University without consulting the Academic Council.

(5) (a) Any draft of a Statute proposed by the Syndicate and rejected by the Senate shall be submitted to the Chancellor who may refer it back to the Senate for further consideration.

(b) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for reconsideration.

(c) No Statute passed by the Senate shall have validity until assented to by the Chancellor.

Ordinances.

41. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely,—

(a) the levy of fees in colleges maintained by the University;

(b) the conditions of residence of the students of the University and the levy of fees for residence in hostels maintained by the University;

(c) the conditions of recognition of hostels not maintained by the University;

(d) the number, qualifications and emoluments of teachers of the University;

(e) the fees to be charged for courses of study given by teachers of the University, for lectures, for tutorial and supplementary instruction provided by the University and for services rendered by the University office;

(f) the appointment and duties of examiners;

(g) the conduct of examinations; and

(h) all matters which by this Act or by the Statutes may be provided for by the Ordinances.

**Ordinances
how made.**

42. (1) Save as otherwise provided in this section, Ordinances shall be made by the Syndicate:

Provided that the Syndicate shall consult the Academic Council in making Ordinances—

(a) affecting the appointment and duties of examiners; or

(b) affecting the conditions of residence of students.

(2) All Ordinances made by the Syndicate shall take effect from such date as it may direct; but every Ordinance so made shall be submitted as soon as may be after it is made to the Chancellor and the Senate and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Ordinance.

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

43. (1) The Regulations shall be made by the Academic Council and, subject to the provisions of this Act, they may provide for all or any of the following matters, namely,—

- (a) the encouragement of co-operation and reciprocity among colleges;
- (b) the admission of students to the University or prescribing the examinations to be recognized as equivalent to University examinations;
- (c) the University courses and examinations and the conditions on which students of affiliated colleges shall be admitted to examinations for the degrees and diplomas of the University;
- (d) the granting of exemptions;
- (e) the management of the University Library or Libraries; and
- (f) the constitution of departments of teaching.

(2) All Regulations shall have effect from such date as the Academic Council may direct; but every Regulation made by the Academic Council shall be submitted as soon as may be to the Senate which shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Regulation.

CHAPTER X.—TRANSITORY PROVISIONS.

44. Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed.

Completion of courses of study of students preparing for examinations of the Madras University.

Appoint-
ment of the
first Vice-
Chancellor.

45. Notwithstanding anything contained in section 12 within three months after the passing of this Act the first Vice-Chancellor shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding three years on such conditions as he thinks fit.

Appoint-
ment of the
first
Registrar.

46. Notwithstanding anything contained in section 13, within three months after the passing of this Act the first Registrar shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding two years on such conditions as he thinks fit.

Transitory
powers of
the Vice-
Chancellor.

47. (1) It shall be the duty of the Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate and the Academic Council within three months after the date of his appointment or such longer period not exceeding six months as the Local Government may by notification direct.

(2) The Vice-Chancellor shall, with the assistance of an advisory committee the members of which shall be nominated by the Chancellor, draw up any rules that may be necessary for regulating the method of election to those authorities, subject to the provisions of this Act and the approval of the Chancellor.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Local Government may, by notification, direct.

(4) The Statutes, Ordinances and Regulations of the University of Madras in force at the time of the coming into force of this Act shall, so far as they are not inconsistent with the provisions of this Act, be deemed to be Statutes, Ordinances and Regulations made under this Act until they are replaced by Statutes, Ordinances and Regulations to be framed under this Act.

(5) It shall be the duty of the Vice-Chancellor to draft such Statutes, Ordinances and Regulations as may be necessary and submit them to the respective authorities competent to deal with them. Such Statutes, Ordinances and Regulations when framed shall be published in the *Fort St. George Gazette*.

Advisory
committees.

48. Until the authorities of the University are constituted under section 47, sub-section (1), the Vice-Chancellor shall, subject to the approval of the Chancellor have power—

(1) to appoint such advisory committees as he may think fit; and

(2) to appoint such clerical and menial staff as may be necessary.

49. If any difficulty arises as to the first constitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, the Local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

Removal
by Local
Government
of difficulties
at the
commence-
ment of the
Act.

SCHEDULE.

The first Statutes of the University.

I. In these Statutes, unless there is anything repugnant in the subject or context,—

(a) The ' Act ' means the Andhra University Act, 1925, and ' section ' means a section of the Act and ' clause ' or ' sub-clause ' means a clause or sub-clause of this Schedule; and

(b) ' Officers ', ' Authorities ', ' Professors ', ' Readers ', ' Lecturers ', ' Teachers ', ' Servants ' and ' Registered Graduates ' mean, respectively, Officers, Authorities, Professors, Readers, Lecturers, Teachers, Servants and Registered Graduates of the University.

II. Subject to the provisions of the Act, the Syndicate shall have the following powers, namely:—

Powers
of the
Syndicate.

(a) to provide or purchase lands, buildings, premises, furniture, laboratories, apparatus, equipment and other means needed for carrying on the work of the University;

(b) to invest any moneys belonging to the University including any unapplied income in any of the securities described in section 20 of the Indian Trusts Act, 1882, with the power to vary such investments or to place on fixed deposit in any bank approved in this behalf by the Local Government any portion of such moneys not required for current expenditure;

(c) to manage colleges and hostels maintained by the University;

(d) to appoint a Registrar of the University.

III. The Academic Council shall constitute Faculties of Arts, Science, Medicine, Commerce, Engineering, Technology, Agriculture, Teaching Fine Arts, Oriental languages, and other branches of learning as it may find necessary from among its members.

Constitution
of Faculties.

IV. The Registrar shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the preparation of the financial estimates and the annual accounts. Subject to the control of the Syndicate, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted.

The Regis-
trar.

All contracts shall be signed by the Registrar on behalf of the University. He shall exercise such other powers and perform such other duties as may be prescribed.

The
Proctors
and
Librarian.

V. The following officers shall be appointed by the Syndicate on the recommendation of the Academic Council:—

(i) Proctors for the maintenance of the discipline of the students of the University;

(ii) A Librarian for the University Library.

Colleges and
hostels.

VI. (a) Every affiliated college or recognized hostel not maintained by the University shall be managed by a regularly constituted governing body appointed by the person or body maintaining the college or hostel the constitution of which shall be periodically reported to and approved of by the Syndicate.

(b) The appointment of teachers and superintending staff of every such college or hostel shall be made by the governing body or by any authority to whom such body may have delegated the power and all such appointments shall be subject to the approval of the Syndicate.

(c) The Senate shall have power to suspend or withdraw the recognition of any college or hostel which may not be conducted in accordance with the conditions prescribed:

Provided that no such action shall be taken without affording the management of such college or hostel an opportunity of making such representation as it may deem fit.

Honorary
Degrees.

VII. The Syndicate may, either of its own motion or on the recommendation of the Academic Council, make proposals to the Senate for the conferment of honorary degrees and shall, after the Senate assents thereto, submit such proposals to the Chancellor for confirmation:

Provided that in case of urgency the Chancellor may act on the recommendation of the Syndicate only.

Examina-
tions.

VIII. All arrangements for the conduct of examinations shall be made by the Syndicate.

Pension or
Provident
Fund.

IX. There shall be instituted for the benefit of the officers, teachers and servants of the University such pension, insurance or provident fund as the Senate may deem fit.

Selection
committees.

X. Appointments of University teachers shall be made on the recommendation of a committee of selection constituted as follows:—

(i) The Vice-Chancellor;

(ii) the Chairman of the Board of Studies in the department of knowledge concerned;

(iii) two members elected by the Academic Council;

(iv) two members elected by the Senate;

(v) the University Professor or another expert in the department of knowledge concerned nominated by the Syndicate.

XI. All graduates of the University and all graduates Register of
of the University of Madras, who are residents of or are graduates.
domiciled in the University area and who are of five years'
standing or upwards on the date of the commencement of
the Act, shall, on payment of such fees as may be prescribed,
be entitled to have their names enrolled in the register of
registered graduates and upon such enrolment to enjoy all
the privileges of registration.

If any question arises whether a graduate of the Univer-
sity of Madras is a resident of or domiciled in the University
area or not, the question shall be decided by the Syndicate
and such decision shall be final.

MADRAS ACT No. III OF 1926.¹

[THE MADRAS NURSES AND MIDWIVES ACT, 1926.]

[29th June, 1926.]

An Act for the registration of nurses and midwives in the
Presidency of Madras.

WHEREAS it is expedient to provide for the registration Preamble.
of nurses and midwives in the Presidency of Madras, AND
WHEREAS the previous sanction of the Governor-General has
been obtained to the passing of this Act; It is hereby enacted
as follows:—

1. (1) This Act may be called the Madras Nurses and Short title.
Midwives Act, 1926.

(2) It shall extend to the whole of the Presidency of Extent.
Madras.

(3) It shall come into force on such date as the Local Commence-
Government may, by notification, appoint. ment.

2. In this Act, unless there is anything repugnant in the Definitions.
subject or context—

(a) 'Council' means 'the Madras Nurses and Mid-
wives Council established under this Act.'

(b) 'Dhai' means 'an untrained woman practising the
profession of midwifery.'

(c) 'Nurse' includes a male nurse.

(d) 'Prescribed' means 'prescribed by rules or by-
laws made under this Act.'

(e) 'Register' means 'a register maintained under
section 5 or section 6' and 'registered' means
'registered in accordance with the provisions of either
of those sections.'

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 15th July 1924—Part IV, pp. 123-124.

Constitution
of the
Council
and the
term of
office of
members.

3. (1) A Council, called the 'Madras Nurses and Midwives Council,' shall be constituted for the Presidency of Madras, consisting of—

(a) the Surgeon-General with the Government of Madras;

¹ [(b) an officer of the Public Health Department of Government nominated by the Local Government;]

² [(c)] the Superintendent of the General Hospital, Madras;

² [(d)] the Superintendent of the Government Hospital for Women and Children, Madras;

² [(e)] one Registered Medical Practitioner nominated by the Local Government;

² [(f)] [one Registered Medical Practitioner,]³ nominated by the Medical Council established under sub-section (1) of section 5 of the Madras Medical Registration Act, 1914; ^(Madras Act IV of 1914.)

² [(g)] two matrons of hospitals, elected, in the manner prescribed, by the registered nurses and midwives and approved by the Surgeon-General.

² [(h)] one registered nurse elected by the registered nurses and one registered midwife elected by the registered midwives in the manner prescribed;

⁴ [* * * *]

⁵ [(i)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Trained Nurses' Association of India as are so registered;

⁵ [(j)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Nurses' Association of Madras as are so registered;

⁵ [(k)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Nurses' Auxiliary of the Christian Medical Association of India (South India Branch) as are so registered; and;

² [(l)] two non-officials, not of the classes referred to above, one of whom shall be a woman, nominated by the Local Government:

The Surgeon-General shall be the President of the Council.

¹ Clause (b) was inserted by section 2 (i) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

² The original clauses (b), (c), (d), (e), (f), (g) and (h) were relettered (c), (d), (e), (f), (g) (h) and (l) respectively by *ibid.*

³ The words within square brackets were substituted for the words "two Registered Medical Practitioners, one of whom shall be a woman" by *ibid.*

⁴ The word "and" was omitted by *ibid.*

⁵ Clauses (i), (j) and (k) were inserted by *ibid.*

¹ [* * * *]

(2) The members of the Council other than members ex-officio shall hold office for a term of three years

² [* * * *]

(3) If the place of a member of the Council becomes vacant by the expiration of his term of office or by death, or by resignation or otherwise, the vacancy shall be filled in the manner provided for the filling of the vacancy by sub-section (1).

(4) An outgoing member of the Council shall be eligible for re-election or re-nomination.

(5) The powers of the Council may be exercised notwithstanding any vacancy in the Council.

4. A member who fails to attend three consecutive meetings of the Council shall cease to be a member unless restored by the Council at its next meeting.

5. The Council shall maintain a register of nurses and a register of midwives and in each such register shall be entered in two separate parts—

Effect of failure to attend meetings of the Council.

(1) the names of all nurses and midwives who have undergone the course of training and passed the examinations and fulfil the conditions prescribed,

Registration of nurses and midwives.

(2) the names of all nurses and midwives practising in the Presidency of Madras at the commencement of this Act and not qualified to be registered under clause (1) who may be admitted to registration under such conditions and restrictions as may be prescribed:

Provided that no nurse or midwife may be registered under clause (2) after the expiration of three years from the commencement of this Act.

6. The Council shall maintain a register of dhais, admission to which shall be regulated by such conditions and restrictions as may be prescribed.

Registration of dhais.

7. Subject to such conditions and in such manner as may be prescribed, the Council may refuse to enter the name of any nurse, midwife or dhai in the register or remove the name of any nurse, midwife or dhai from the register or restore thereto the name of any nurse, midwife or dhai so removed.

Removal and restoration of names.

¹ The following words were omitted by section 2 (i) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934):—

“Provided that for a period of one year from the commencement of this Act, the two matrons referred to in clause (f) shall be nominated by the Surgeon-General, and the nurse and the midwife referred to in clause (g) shall be nominated by the Local Government.”

² The following words and figure were omitted by section 2 (ii) *ibid*:—

“except members nominated under the proviso to sub-section (1) who shall hold office till the expiry of one year from the commencement of this Act.”

Appeal from
Council to
Tribunal.

8. (1) Any nurse, midwife or dhai aggrieved by an order of the Council under section 7 may, within three months from the date on which notice of such order is given, appeal against the order of the Council.

(2) Such appeal shall be heard by a Tribunal of three persons selected in rotation—

(a) One from a panel of not less than six persons of not less than twelve years' experience as a Magistrate or Civil Judge nominated by the Local Government;

(b) One from a panel of not less than six registered medical practitioners selected in the prescribed manner by the Medical Council established under sub-section (1) of section 5 of the Madras Medical Registration Act, 1914; and

(c) One from a panel of not less than six registered nurses holding both general and maternity certificates and selected in the prescribed manner by the registered nurses and midwives.

(3) The order of the Tribunal shall be final.

Appeal to
the Local
Government
against
refusal by
the Council
to approve
training
institution
or person.
Disabilities
of unregis-
tered
persons.

9. Any person aggrieved by the refusal of the Council to approve any institution or person under any rules relating to training made under this Act, may appeal against the refusal to the Local Government and the Local Government may give such directions as they think proper and the Council shall comply with the directions so given.

10. (1) Except with the special sanction of the Local Government, no person shall, after the expiry of three years from the commencement of this Act, be competent to hold any appointment as nurse or midwife in any hospital, dispensary, or infirmary not supported entirely by voluntary contributions unless such person is registered as nurse or midwife under this Act.

(2) After the expiry of one year from the commencement of this Act, no subsidy shall be paid by the Local Government or by a local authority to any medical practitioner who employs a dhai other than a registered dhai.

Rules by
the Local
Govern-
ment.

11. (1) The Local Government may, after previous publication, make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, they may make rules—

(a) regulating the conduct of the elections of members of the Council;

(b) regulating the conditions of admission to the register;

(c) regulating the conduct of any examinations which may be prescribed as a condition of admission to the

Madras Act IV
of 1914.

register, and any matters ancillary to or connected with such examinations;

- (d) prescribing the causes for which, the conditions under which and the manner in which, the nurses, midwives and dhais may be removed from the register and the procedure for restoration to the register of nurses, midwives and dhais who have been removed therefrom;
- (e) regulating the selection of the panels and the constitution of the Tribunal specified in sub-section (2) of section 8 and the procedure to be followed by the Tribunal;
- (f) prescribing the fees to be paid in respect of an appeal under this Act;
- (g) determining the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the purposes of this Act.

12. (1) The Council may make by-laws not inconsistent with this Act or any other law— By-laws by the Council .

- (a) for regulating the compilation, maintenance and publication of the register;
- (b) for regulating and supervising the practice of their profession by registered nurses, midwives and dhais;
- (c) for regulating the publication of the names of registered nurses, midwives and dhais and their residences;
- (d) for prescribing the rates of fees to be charged for examinations prescribed for admission to the register and for registration;
- (e) for regulating the summoning of meetings of the Council and its proceedings; and
- (f) for regulating the expenditure of the Council and providing for the audit thereof.

(2) No by-law made by the Council shall come into force until it has been confirmed by the Local Government with or without modification or amendment.

(3) Every such by-law shall, when so confirmed, be published.

13. Any person who—

- (a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,
- (b) procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise, or

Penalty for dishonest use of certificate for procuring registration by false means and for falsification of register or certificate.

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Act;

shall be punishable with fine not exceeding two hundred and fifty rupees.

Penalty for posing as registered nurse, midwife or dhai by a person who is not such.

14. (1) Any person, who, not being a registered nurse, takes or uses the name or title of registered nurse or uses any name, title, description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered nurse, shall be punishable with fine not exceeding one hundred rupees.

(2) Any person, who, not being a registered midwife or dhai takes or uses the name or title of registered midwife or dhai or uses any name, title, description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees.

Magistrates empowered to try offences under this Act.

15. No magistrate other than a Presidency Magistrate or a magistrate of the first class shall take cognizance of or try any offence under this Act.

MADRAS ACT No. IV OF 1926.¹

[THE MADRAS VILLAGE OFFICERS RESTORATION ACT, 1926.]

[6th July, 1926.]

An Act to enable the reappointment to revived offices of the former holders.

Preamble.

WHEREAS since the commencement of June 1920, with a view to reduce public expenditure villages have been grouped or amalgamated, or the number of village offices has been reduced under the provisions of the Madras Proprietary Estates' Village Service Act, 1894, or the Madras Hereditary Village Offices Act, 1895:

Madras Act
II of 1894.
Madras Act,
III of 1895.

AND WHEREAS it is now deemed desirable and expedient, where the villages are redivided or regrouped and the abolished offices are revived or where the number of village offices which has been reduced is restored, to provide by law for the restoration of the officers who held office before the grouping or amalgamation or reduction as aforesaid;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 5th May 1925—Part IV, pages 112–113.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Village Officers Restoration Act, 1926. Short title.

Madras Act,
II of 1894.
Madras Act,
III of 1895.

It shall extend to those parts of the Presidency of Madras to which the Madras Proprietary Estates' Village Service, Act, 1894 (hereinafter referred to as the First Act), or the Madras Hereditary Village Offices Act, 1895 (hereinafter referred to as the Second Act) applies. Extent.

2. This Act shall apply to the village offices referred to in section 2 of the First Act or forming classes (1) and (3) in section 3 of the Second Act. Village office to which the Act applies.

3. Where new villages formed by the grouping or amalgamation of villages are redivided or regrouped into the old component villages and new offices are created, or where the number of village offices which has been reduced is restored, Reappointment in certain cases of village officers who held office at the date of grouping or amalgamation of villages or reduction in number of offices.

if such formation or reduction was after the 1st day of June 1920 and

such redivision or regrouping or restoration is made on or before the 31st day of December 1926 or such later date as may be fixed by the Local Government:—

The Collector shall, notwithstanding anything contained in the First Act or the Second Act,

(a) re-appoint the village officers who held such office at the date of such grouping or amalgamation or of such reduction unless they have become disqualified on the grounds defined by clause (c) or (e) of sub-section (1) of section 10 of the First Act or the Second Act or clause (c) of sub-section (1) of section 11 of the Second Act; or

(b) re-register any person who stood registered at such date as the heir of the last holder of the office if he continues a minor or if having attained majority is subject to the disqualification specified in clause (d) but is not disqualified under clause (c) or (e) of sub-section (1) of section 10 of the First Act or the Second Act as the case may be and has not attained the age of 25 years and appoint some other person qualified to discharge the duties of the office until the person registered becomes qualified to discharge the duties of the office and is appointed thereto or until he attains the age of 25 years without becoming qualified in which case the vacancy shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10 of the First Act or the Second Act or sub-sections (2) and (3) of section 11 of the Second Act as the case may be; or Re-registry of minors and disqualified persons and appointment of deputies.

Appoint-
ment of
registered
minor who
has attained
majority.

Method of
filling up
vacancy
when no
person is
available for
appoint-
ment.

Certain
persons
deemed not
to have held
office.

Appeal
against
orders
declaring
a person
to be dis-
qualified for
appoint-
ment.

Jurisdiction
of civil
courts
barred.

(c) appoint the person who stood registered at the date aforesaid as the heir of the previous holder if he has attained majority and is eligible for appointment under the provisions of the Act applicable.

4. Where by reason of death or disqualification under section 3, no person is available for appointment under section 3, or where by failure of the person entitled to join office within six months of a notice sent by registered post to his last known address, the office remains vacant, the vacancy shall be filled up in accordance with the provisions of the First or the Second Act as though the vacancy had occurred by the death on the date of the passing of this Act of the person who held the office on the date of the amalgamation or grouping or reduction, or, if there was no person who held the office on that date, as upon the date of the death of the person who last held it before that date.

5. A person appointed under section 12 or 13 of the First Act or under sub-section (4) or (5) of section 10 or sub-section (4) of section 11 of the Second Act to perform or discharge the duties of the office shall not be deemed to have held the office.

6. Any person who would otherwise be entitled to appointment or re-appointment under section 3 but is declared by the Collector to be disqualified therefor may within two months appeal to the District Collector whose decision shall be final:

Provided that if the District Collector is the officer who passed the order of disqualification under section 3 an appeal shall lie within three months to the Board of Revenue whose decision shall be final.

7. No civil court shall take cognizance of a suit instituted to set aside or modify any order passed under this Act.

Nothing in this section shall affect the right of suit which a person may have under the provisions of the Second Act in cases falling under section 4.

MADRAS ACT No. V OF 1926.

[THE MADRAS BORSTAL SCHOOLS ACT, 1925.]

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, MADRAS ACT No. V OF 1926.¹

[THE MADRAS BORSTAL SCHOOLS ACT, 1925.]

[20th July, 1926.]

An Act to make provision for the establishment and regulation of Borstal schools for the detention and training of adolescent offenders.

WHEREAS it is expedient to make provision for the establishment and regulation of Borstal schools in the Presidency of Madras for the detention and training of adolescent offenders therein; and WHEREAS the previous sanction of the Governor-General under section 80-A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the “Madras Borstal Short title. Schools Act, 1925.”

(2) The Local Government may, by notification, from time to time, apply the whole or any of the provisions of this Act to adolescent offenders or any class thereof in any local area in the Presidency of Madras, from such date as may be specified in the notification and may cancel or modify such notification.

¹For Statement of Objects and Reasons see *Fort St. George Gazette* dated 17th March 1925—Part iv, pages 98–99.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context—

- (1) "Adolescent offender" means any person who has been convicted of any offence punishable with imprisonment or who having been ordered to give security under section 118 of the Code of Criminal Procedure has failed to do so and who at the time of such conviction or failure to give security is not less than 16 nor more than 21 years of age;
- (2) "Borstal school" is a corrective institution wherein adolescent offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;
- (3) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector-General.

Establishment of Borstal schools.

3. (1) For the purposes of this Act, the Local Government may establish one or more Borstal schools.

(2) For every Borstal school a Visiting Committee shall be appointed by the Local Government.

Rules.

4. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal schools established under this Act;
- (b) the appointment, powers and duties of officials in such schools;
- (c) the constitution, powers and duties of Visiting Committees;
- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates;
- (e) the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal schools.

(3) All rules made under this Act except those referred to in the sub-section following shall be published in the local official gazette and on such publication shall have effect as if enacted in this Act.

(4) Rules made under sub-section (2), clauses (a), (c) and (d) of this section shall not come into force until approved by a resolution of the Legislative Council with or

without modification or amendment; and on such approval the rules as approved shall be published in the local official gazette and on such publication shall have effect as if enacted in this Act.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners. Application of the Prisons Act, 1894, and the Prisoners Act, 1900.

6. The powers conferred on Courts by this Act shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, (d) a Subdivisional Magistrate, (e) a salaried Presidency Magistrate and (f) any Magistrate of the first class or any bench of Magistrates constituted under section 15 of the Code of Criminal Procedure, 1898, invested with the powers of a Magistrate of the first class specially empowered by the Local Government in that behalf; and may be exercised by such Courts whether the case comes before them originally, on appeal, or in revision. Courts empowered under this Act.

7. (1) When any Magistrate not empowered to pass sentence under this Act is of opinion that an adolescent offender is a proper person to be detained in a Borstal school, he may, without passing sentence, record such opinion and submit his proceedings and forward the adolescent offender to the District Magistrate or Subdivisional Magistrate to whom he is subordinate. Procedure when Magistrate is not empowered to pass sentence under this Act.

(2) The District Magistrate or Subdivisional Magistrate to whom the proceedings are so submitted may make such further inquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such adolescent offender had originally been tried by him.

PART II.

COMMITTAL TO BORSTAL SCHOOLS:

8. Where it appears to a Court having jurisdiction under this Act that an adolescent offender should, by reason of his criminal habits or tendencies, or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the Court, in lieu of passing a sentence of imprisonment, to pass a sentence of detention in a Borstal school for a term which shall not be less than two years and shall not exceed five years: Power of Court to pass sentence of detention in Borstal school.

Provided that, before passing such sentence, the Court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Limitation
on powers
conferred by
section 8.

9. Any person detained in a Borstal school for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Power of
Inspector-
General to
transfer
prisoners
to Borstal
school.

10. The Inspector-General may, subject to rules made by the Local Government, if satisfied that any adolescent offender undergoing imprisonment in consequence of a sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal school, direct that such person shall be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal school.

Preliminary
inquiry and
finding as to
age of
adolescent
offender.

11. (1) Before passing a sentence under section 8 the Court shall inquire into the age of the offender and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every magistrate not empowered to pass sentence under section 8 before submitting his proceedings and forwarding an adolescent offender to the District Magistrate or Subdivisional Magistrate as required by sub-section (1) of section 7.

Government
to determine
the Borstal
school to
which
adolescent
offender
shall be
sent.

12. Every adolescent offender directed by a Court to be sent to a Borstal school shall be sent to such Borstal school as the Local Government may, by general or special order, appoint for the reception of adolescent offenders so dealt with by such Court:

Provided that, if accommodation in a Borstal school is not immediately available for such adolescent offender, he may be detained in a special ward or such other suitable part of a prison as the Local Government may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

Removal
from one
school to
another.

13. The Inspector-General may at any time order an inmate to be removed from one Borstal school to another, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

14. Where a person detained in a Borstal school is reported to the Local Government by the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school, the Local Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Local Government may determine, but in no case exceeding

Transfer of incorrigibles, etc., to prisons.

- (a) such unexpired residue, or
- (b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or
- (c) the maximum period of imprisonment which the Court that tried him had authority to award under the Code of Criminal Procedure, 1898,

whichever is shortest.

PART III.

RELEASE ON LICENCE.

15. (1) Subject to any general or special directions of the Local Government, the Inspector-General, on the recommendation of the Visiting Committee, may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal school on condition that he be placed under the supervision or authority of any Government officer, or secular institution, or person, or religious society professing the same religion as the inmate, named in the licence who may be willing to take charge of him.

Power to release on licence.

(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

16. Every licence granted under section 15 shall be in such form and shall contain such conditions as the Local Government may by rules direct.

Form of licence.

17. Subject to any general or special directions of the Local Government, a licence granted under section 15 may be revoked at any time by the Inspector-General and where a licence has been revoked the person to whom the licence related shall return to the Borstal school.

Revocation of licence.

Escape and
forfeiture of
licence.

18. If any inmate escapes from a Borstal school or if any inmate absent on licence from a Borstal school removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal school, a police officer not below the rank of a Sub-Inspector of Police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal school and his licence shall be forfeited with effect from the date of his escape or failure to return as the case may be.

Absence
under
licence to be
counted
towards
period of
detention.

19. The time during which a person is absent from a Borstal school under a licence shall be treated as part of the term of his detention in the school; provided that where that person has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the school.

PART IV.

APPEAL AND REVISION.

Appeal and
revision.

20. For purposes of appeal and revision under the Code of Criminal Procedure, 1898, a sentence of detention under section 8 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this Act may appeal to the Local Government whose orders shall be final.

PART V.

MISCELLANEOUS.

Minimum
age-limit of
adolescents
in areas to
which the
Madras
Children
Act, 1920,
has not been
extended.

21. In areas to which the Madras Children Act, 1920, has not been extended the figure 16 appearing in section 2 (1) of the Act shall be read as 15.

Removal of
disqualifica-
tion attach-
ing to con-
viction for
offences.

22. The conviction of an adolescent shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

MADRAS ACT No. VI OF 1926.¹[THE MADRAS CITY TENANTS PROTECTION (AMENDMENT) ACT,
1926.]

[2nd November, 1926.]

An Act to amend the Madras City Tenants Protection
Act, III of 1922.Madras Act
III of 1922.

WHEREAS it is expedient to amend the Madras City Tenants Preamble. Protection Act, 1922; and WHEREAS the previous sanction of the Governor-General has been obtained; It is hereby enacted as follows:—

1. This Act may be called the Madras City Tenants Pro- Short title.
tection (Amendment) Act, 1926.

Madras Act
III of 1922.

2. In section 2 of the Madras City Tenants Protection Amendment
Act, 1922 (hereinafter referred to as the said Act), after of section 2
clause (1) the following shall be inserted, namely:— of Madras
Act III of
1922.

[Vide p. 1426.]

3. (a) In section 3 of the said Act, the following shall Amendment
be added to the last sentence, namely:— of section 3
of Madras
Act III of
1922.

[Vide p. 1427.]

(b) In section 5, sub-section (1) of the said Act, between Amendment
the words 'and trees' and 'on the date of the decree' the of section 5
of Madras
Act III of
1922.

[Vide p. 1428.]

4. After section 7 of the said Act, the following section Insertion of
shall be inserted, namely:— new section
7-A in
Madras
Act III of
1922.

[Vide p. 1428.]

5. In section 8 of the said Act, for the words and figures Amendment
'under section 6 or section 7' the words and figures 'under of section 8
of Madras
Act III of
1922.

6. In section 9, sub-section (1) of the said Act:—

(i) for the words 'fifteen days' in the first sentence the Amendment
words 'one month' shall be substituted; and of section 9
of Madras
Act III of
1922.

(ii) for the first twenty words of the second sentence
the following shall be substituted, namely:—

[Vide p. 1429.]

7. In section 9 of the said Act, for the explanation the Amendment
following shall be substituted, namely:— of section 9
of Madras
Act III of
1922.

[Vide p. 1429.]

8. In section 10 of the said Act, for the words and figures Amendment
'sections 4, 5, 6 and 8' the words and figures 'sections 4, of section 10
of Madras
Act III of
1922.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*
dated 24th February 1925—Part IV, pages 79-80.

1660 *Kirlampudi B and C Estates, [1926: Mad. Act VII.
Dontamuru and Rayavaram.*

Local Boards [1927: Mad. Act I.

MADRAS ACT No. VII OF 1926.¹

[THE KIRLAMPUDI B AND C ESTATES, DONTAMURU AND
RAYAVARAM IMPARTIBLE ESTATES ACT, 1926.]

[23rd November, 1926.]

An Act to declare the Kirlampudi B and C Estates,
Dontamuru and Rayavaram Estates to be impartible
within the meaning of the Madras Impartible Estates
Act, 1904.

Preamble. WHEREAS it is expedient to declare that the Kirlampudi B
and C Estates, Dontamuru and Rayavaram Estates are impar-
tible and that their proprietors cannot exercise unrestricted
powers of alienation in respect thereof; and whereas the pre-
vious sanction of the Governor-General has been obtained; It
is hereby enacted as follows:—

Short title. 1. This Act may be called “ The Kirlampudi B and C
Estates, Dontamuru and Rayavaram Impartible Estates Act,
1926.”

Kirlampudi
B and C
Estates,
Dontamuru
and Raya-
varam
Estates
to be
impartible
within the
meaning of
the Madras
Impartible
Estates Act,
1904.

2. Notwithstanding any decision of Courts, rule of law or
enactment to the contrary, the Kirlampudi B Estate, except the
village of Kirlampudi, Kirlampudi C Estate, Dontamuru and
Rayavaram Estates in the East Godavari district, are hereby
declared to be impartible estates within the meaning of the
Madras Impartible Estates Act, 1904, and shall in the hands
of the present owner as well as of his heirs and successors be
subject to the provisions of that Act.

Savings. 3. This Act shall not affect any alienation made or debt
incurred before the commencement of this Act.

MADRAS ACT No. I OF 1927.²

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1926.]

[1st February, 1927.]

An Act to amend the Madras Local Boards Act, 1920.

Preamble. WHEREAS it is expedient to amend the Madras Local Boards Madras Act
XIV of 1920.
Act, 1920; It is hereby enacted as follows:—

Short title. 1. This Act may be called the “ Madras Local Boards
(Amendment) Act, 1926.”

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 29th June 1926—Part IV, pages 96–97.

² For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 28th April 1925—Part IV, page 104.

Madras Act
XIV of 1920.

2. After section 157 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

[*Vide p. 1348.*]

Insertion of
new section
157-A to
Madras Act
XIV of
1920.

3. In section 167 of the said Act, after the words “ public markets,” the following words shall be added, namely:—

[*Vide p. 1353.*]

Amendment
of section
167 of
Madras
Act XIV of
1920.

4. In Schedule VIII to the said Act—

(1) after the item relating to section 157, the following item shall be inserted, namely:—

[*Vide p. 1415.*]

Amendment
of Schedule
VIII of
Madras Act
XIV of
1920.

(2) after the item relating to section 166, the following item shall be inserted, namely:—

[*Vide p. 1416.*]

THE MADRAS HINDU RELIGIOUS ENDOW- MENTS ACT, 1926.

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MADRAS ACT No. II OF 1927.¹

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926.]

[8th February, 1927.]

An Act to provide for the better administration and governance of certain Hindu religious endowments and to remove certain doubts as to the legality of the action taken and things done under the Madras Hindu Religious Endowments Act, 1923.

Preamble.

WHEREAS it is expedient to provide for the better administration and governance of certain Hindu religious endowments described hereunder;

AND WHEREAS diverse doubts have been raised as to the validity of the action taken and things done under the Madras Hindu Religious Endowments Act, 1923;

Madras Act I
of 1925.

AND WHEREAS certain legal proceedings have been commenced in the High Court of Judicature, Madras, and certain courts subordinate thereto, questioning the said action and things;

AND WHEREAS it is expedient to remove those doubts and to validate the said action and things;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I.

Short title.

1. This Act may be called the Madras Hindu Religious Endowments Act, 1926.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 10th August 1926—Part IV, page 182.

2. This Act extends to the whole of the Presidency of Madras except the Presidency town and applies, save as hereinafter provided, to all Hindu public religious endowments. Extent.

Explanation.—For the purposes of this Act, Hindu public religious endowments do not include Jain religious endowments.

3. (a) The Local Government may, after consulting the Board, exempt any such endowment from the operation of all or any of the provisions of this Act or vary, alter or cancel such exemption. Power to exempt endowments.

(b) The Local Government may, by notification, extend to Jain religious endowments the provisions of this Act and of any rules framed thereunder, and may declare such extension to be subject to such restrictions and modifications as they think fit. Power to extend Act to Jain endowments.

Provided that before issuing such notification the Local Government shall publish in the *Fort St. George Gazette* a notice of their intention to do so, fix a reasonable period for the persons interested in the endowments concerned to show cause against the issue of such notification and consider their objections, if any.

4. ¹ [* * * *]

5. Nothing in this Act shall be construed to affect, or in any way derogate from, the powers in respect of religious endowments which the Advocate-General may exercise under sub-section (2) of section 114 of the Government of India Act. Saving of powers of Advocate-General.

6. The Madras Hindu Religious Endowments Act, 1923 (hereinafter referred to as 'the said Act') is hereby repealed. Repeal of Madras Act I of 1925.

7. (i) All action taken and all things done including the constitution of the Board of Commissioners for Hindu Religious Endowments, the notifications issued and orders made under and in pursuance of the said Act shall be deemed to have been validly taken, done, issued or made. Validation of action taken under Madras Act I of 1925.

(ii) All proceedings taken under the said Act may be continued under this Act in so far as they are not inconsistent with the provisions of this Act.

(iii) Any remedy by way of application, suit or appeal which is provided by this Act shall be available in respect of proceedings under the said Act pending at the time of the commencement of this Act as if the proceedings in respect of which the remedy is sought had been instituted under this Act.

¹ Section 4 was omitted by section 3 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

Repeal of enactments.	8. The Religious Endowments Act, 1863, and the Madras Endowments and Escheats Regulation, 1817, so far as they apply to Hindu religious endowments to which this Act applies, are hereby repealed.
Definitions.	9. In this Act, unless there is anything repugnant in the subject or context—
Board.	(1) 'Board' means the Board as constituted under section 10.
Committee.	(2) 'Committee' means a committee as constituted under section 20.
Court.	(3) 'Court' means the court of the District Judge within whose local limits a committee exercises jurisdiction or a math or temple is situated.
Electoral area.	(4) 'Electoral area' means an area containing the electors of a committee.
Excepted temple.	¹ [(5) 'Excepted temple' means and includes a temple, the right of succession to the office of trustee or the offices of all the trustees (where there are more trustees than one) whereof has been hereditary, or the succession to the trusteeship whereof has been specially provided for by the founder.] ² [<i>Explanation</i> .—No action taken by a Board in pursuance of the power conferred on it by clauses (a) and (b) of sub-section (1) of section 63 shall be deemed to have the effect of converting an excepted temple into a non-excepted temple.]
Hereditary trustee.	(6) 'Hereditary trustee' means the trustee of a religious endowment, succession to whose office devolves by hereditary right or by nomination by the trustee for the time being, or is otherwise regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force.
Math.	(7) 'Math' means an institution for the promotion of the Hindu religion presided over by a person whose duty is to engage himself in spiritual service or who exercises or claims to exercise spiritual headship over a body of disciples and succession to whose office devolves in accordance with the directions of the founder of the institution or is regulated by usage; and includes places of religious worship other than a temple or places of religious instruction which are appurtenant to such institution.
Non-hereditary trustee.	(8) 'Non-hereditary trustee' means a trustee who is not a hereditary trustee.
Notified temple.	³ [(8 A) 'Notified temple' means a temple notified by the Local Government under section 65 A.]

¹ Clause 5 was substituted by section 4 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

² The explanation was added by section 2 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

³ Clause (8-A) was inserted by *ibid.*

(9) ' Person having interest ' means—

(a) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs, and

Person
having
interest.

(b) in the case of a temple a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.

(10) ' Prescribed ' means prescribed by the Local Government by rules made under this Act.

(11) ' Religious endowment ' or ' Endowment ' means all property belonging to, or given or endowed for the support of, maths or temples or for the performance of any service or charity connected therewith and includes the premises of maths or temples but does not include gifts of property made as personal gifts or offerings to the head of a math or to the archaka or other employee of a temple.

Religious
endowment.

(12) ' Temple ' means a place, by whatever designation known, used as a place of public religious worship and dedicated to, or for the benefit of, or used as of right by, the Hindu community, or any section thereof, as a place of religious worship.

Temple.

(13) ' Trustee ' means a person, by whatever designation known, in whom the administration of a religious endowment is vested and includes any person who is liable as if he were a trustee.

Trustee.

CHAPTER II.

Boards of Commissioners.

10. (1) The Local Government may, by notification,

Constitution
of Board.

(a) direct the constitution of a Board for the whole Presidency or for any specified part thereof,

(b) vary the strength or territorial jurisdiction of any such Board, or

(c) abolish any such Board:

Provided that not more than one Board shall have jurisdiction over the same math or temple or the endowments connected therewith:

Provided further that, when the Local Government propose to direct the constitution of more Boards than one under this sub-section or to vary or abolish any Board, a draft of the notification proposed to be issued shall be published in the prescribed manner and laid on the table of the Legislative Council and the notification shall not be issued unless the Legislative Council by resolution approves such draft.

(2) The Local Government may pass such orders as they may deem fit as to the transfer or other disposal of the assets and liabilities of a Board which is varied or abolished.

Strength of
the Board
and its in-
corporation.

11. (1) A Board shall consist of a President and such number of other commissioners not being less than two nor more than four as the Local Government may fix.

(2) Every Board shall by such name as the Local Government may determine be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued.

Qualifica-
tions
of commis-
sioners and
their
appoint-
ment.

12. (1) The Commissioners of a Board shall be persons professing the Hindu religion.

(2) The President shall be—

(a) a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland of not less than five years' standing, or

(b) a person having held judicial office not inferior to that of a subordinate judge or of a judge of a small cause court, or

(c) a person having been a pleader for a period of not less than ten years.

(3) Subject to the provisions of sub-sections (1) and (2), the President and other commissioners of a Board shall be appointed by the Local Government and shall, during their term of office, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Tenure of
office of
commis-
sioners.

13. (1) Every commissioner of a Board other than the President shall be entitled to hold office for five years from the date of his appointment.

(2) The President shall be entitled to hold office for five years from the date of his appointment:

Provided that if on the date of his appointment as President he is a commissioner he shall be entitled to hold office as President only up to the expiry of his term as commissioner.

(3) An outgoing President or commissioner shall, if otherwise qualified, be eligible for reappointment.

Remunera-
tion of
commis-
sioners.

14. (1) Every commissioner shall devote his whole time and attention to the duties of his office and shall not, without the sanction of the Local Government, engage in any other profession, trade or business, or stand for election or be appointed as a member of a local body or be a trustee of any religious endowment.

(2) The commissioners shall each receive, out of the funds of the Board, such salary as the Local Government may fix:

Provided that such salary shall not exceed one thousand and two hundred rupees per mensem for a President or eight hundred rupees per mensem for any other commissioner.

- 15.** (1) The Local Government may suspend or remove any commissioner from his office—
- Power of Government to remove commissioners and their disqualification.
- (a) if he is convicted by a criminal court of any offence which in the opinion of the Local Government involves moral turpitude;
 - (b) if he becomes of unsound mind, or a deaf-mute or suffers from contagious leprosy;
 - (c) if he applies to be adjudicated or is adjudicated a bankrupt or insolvent;
 - (d) for corruption, misconduct or other sufficient cause.
- (2) A commissioner shall cease to hold his office if he ceases to profess the Hindu religion.
- 16.** (1) Every Board shall have an office at such place as the Local Government may fix for the transaction of business.
- Office and meetings of the Board.
- (2) At meetings of the Board, the President of the Board and in his absence the senior commissioner in order of appointment shall preside.
- (3) No business shall be transacted at any meeting unless at least two commissioners are present.
- (4) In case of difference of opinion among the commissioners, the question before the Board shall be decided by a majority of votes; and where the votes are equally divided the President or senior member presiding shall have a second or casting vote.
- 17.** Subject to such control as may be prescribed
- Officers and servants of the Board, their appointment and punishment.
- (a) a Board may from time to time determine the number, designations, grades and scales of salary or other remuneration of its officers and servants, and
 - (b) the President of the Board shall have the power to appoint and transfer such officers and servants and may fine, reduce, suspend, remove or dismiss them for breach of rules or discipline, for carelessness, unfitness, neglect of duty or misconduct or other sufficient cause.
- 18.** Subject to the provisions of this Act and of any scheme settled or deemed to be a scheme settled under this Act,
- Powers and duties of the Board in general.
- (1) the general superintendence of all religious endowments within the territorial jurisdiction of a Board shall vest in such Board, and
 - (2) the Board may do all things which are reasonable and necessary to ensure that maths and temples are properly maintained and that all religious endowments are properly administered and duly appropriated to the purposes for which they were founded or exist.

¹ [*Explanation.*—The general powers of superintendence of the Board shall include the power to pass such interim orders as it deems necessary in the interests of the proper maintenance of a math or temple or the administration of a religious endowment.]

Power of Board to make by-laws.

19. (1) A Board may make by-laws not inconsistent with this Act or the rules made thereunder or with any other law as to—

- (a) the division of duties among the President and commissioners of the Board;
- (b) the manner in which their decision shall be ascertained otherwise than at meetings;
- (c) the procedure and conduct of business at meetings of the Board;
- (d) the delegation of powers of the Board to individual commissioners or committees of commissioners;
- (e) the security, if any, to be furnished by officers and servants of the Board;
- (f) the books and accounts to be kept at the office of the Board;
- (g) the custody and investment of the funds of the Board, committees and trustees;
- (h) the form and manner of applications to the Board;
- (i) the details which shall be included in or excluded from the budgets of committees and religious endowments; and
- (j) generally the conduct of all proceedings and business under this Act.

(2) No by-law or cancellation or alteration of a by-law made by the Board shall have effect until the same shall have been published for public criticism and thereafter confirmed by the Local Government.

(3) All by-laws when they shall have been duly confirmed shall be published in the *Fort St. George Gazette* and shall thereafter have the force of law.

CHAPTER III.

Temple Committees.

Constitution, variation and abolition of committees.

- 20.** (1) The Local Government may, by notification,
- (a) direct the constitution of a committee for any local area or any class or classes of institutions in any local area;
 - (b) vary the strength or the jurisdiction of any committee; or
 - (c) abolish any committee:

¹ The explanation was added by section 5 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

Provided as follows:—

- (i) Not more than one committee shall have jurisdiction over the same temple or the endowments connected therewith.
- (ii) The Local Government shall, before issuing a notification under clause (b) or clause (c), communicate to the Board and the committee concerned the grounds on which they propose to do so, fix a reasonable period for the Board or committee to show cause against the proposal and consider its explanations and objections, if any.

(2) The Board may pass such orders as it may deem fit as to the transfer or other disposal of the assets and liabilities of a committee which is varied or abolished.

21. A committee shall consist of such number of elected members as may be fixed by the Local Government, such number to be not less than six and not more than twelve. Strength of Committee.

22. Notwithstanding anything contained in section 21, where the Local Government direct the constitution of a committee for the first time or in place of a committee which has been abolished the members of such new committee shall hold office for such period not exceeding one year as the Local Government may fix and during such period may be all appointed by the Local Government: Constitution of new committee.

¹ [Provided that, if, for any reason, elections to such new committee are not held at the expiry of the period fixed under this section, the Local Government may make fresh appointments thereto for a period not exceeding one year. An outgoing member shall, if otherwise qualified, be eligible for reappointment.]

23. (1) For the purpose of election of members, the Local Government shall, for each committee, notify an electoral area. Electoral areas and circles.

(2) A committee may, with the approval of the Board divide its electoral area into circles and determine the number of members which each circle shall return.

24. (1) For every electoral area, an electoral roll showing the names of persons qualified to vote shall once in every three years be prepared and published by such authority and in such manner as may be prescribed. Electoral roll.

(2) Where an electoral area has been divided into circles, the electoral roll shall be divided into parts and one part shall be allotted to each circle.

(3) Every person whose name appears on the electoral roll published under this section shall, so long as it remains

¹ The proviso was added by section 2 of the Madras Hindu Religious Endowments (Amendment) Act, 1927 (Madras Act I of 1928).

in force, be entitled to vote at an election; and no person whose name does not appear on such roll shall vote at an election.

(4) Notwithstanding anything contained in sub-section (1) an electoral roll once published shall remain in force till the publication of a fresh electoral roll.

Qualifica-
tions and
disqualifica-
tions of
electors.

25. Every person shall be entitled to have his name included in the electoral roll of an electoral area if he professes the Hindu religion and possesses the qualifications prescribed for an elector of such area in part I of schedule I and if he is not subject to any of the disqualifications described in part II of schedule I.

Disqualifi-
cations of
candidates
and mem-
bers.

26. (1) A person shall be disqualified for election or appointment as a member of a committee—

- (a) if his name does not appear on the roll of the electoral area concerned;
- (b) if at the date of nomination, election or appointment he is
 - (i) of unsound mind, a deaf-mute or suffering from contagious leprosy, or
 - (ii) an undischarged insolvent, or
 - (iii) already a member of the committee whose term of office will not expire before his fresh election or appointment can take effect, or
 - (iv) a trustee or an office-holder, or a servant attached to, or in receipt of any emolument or perquisite from a temple over which the committee has jurisdiction.

(2) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months (such sentence not having been cancelled or reduced to a period of not more than six months or the offence not having been pardoned) shall be disqualified for election or appointment as a member of a committee while undergoing the sentence or during the period for which such sentence may have been suspended or in abeyance and for five years from the date of expiration of the sentence:

Provided that the Local Government may direct that such sentence shall not operate as a disqualification.

(3) A member of a committee shall cease to hold his office if he—

- (a) is sentenced by a court to such punishment as is described in sub-section (2):

Provided that the Local Government may direct that such sentence shall not operate as a disqualification;

- (b) becomes of unsound mind, a deaf-mute or suffers from contagious leprosy;
- (c) applies to be adjudicated or is adjudicated a bankrupt or insolvent;

(d) becomes trustee or an office-holder or a servant attached to, or in receipt of any emolument or perquisite from a temple over which the committee has jurisdiction;

(e) ceases to profess the Hindu religion; or

(f) absents himself from the meetings of the committee for three consecutive months, or if three consecutive meetings are not held within that period from three consecutive meetings.

(4) Where a person ceases to be a member under clause (f) of sub-section (3), the president of the committee shall report the fact to the committee at its next meeting and also intimate the same in writing to such person. If such person applies for restoration within one month of the receipt by him of such intimation from the president, the committee may, at the meeting next after the receipt of such application, restore him to his office of member of the committee:

Provided that a member of a committee shall not be so restored more than thrice during his term of office.

27. Save as otherwise expressly provided, every member of a committee shall be entitled to hold office for a term of five years from the date when his election or appointment is published in the prescribed manner. Term of office of members.

28. (1) Every committee shall elect a president and a vice-president from among its members. President and vice-president.

(2) A president or a vice-president shall hold office for three years from the date of his election, unless in the meanwhile he resigns his office as president or vice-president or ceases to be a member of the committee.

(3) When the office of president is vacant, the vice-president shall exercise the functions of a president until a new president assumes office.

29. (1) A member of a committee other than the president and a vice-president may resign his office by giving notice in writing to the president and a president may resign his office by giving notice in writing to the committee. Resignation of president, vice-president and members of committee.

(2) The resignation shall take effect in the case of a member or vice-president from the date of receipt of the notice by the president, and in the case of a president from the date on which it is placed before the committee.

30. (1) On the occurrence of a vacancy in the office of a member of a committee, a new member shall, subject to the provisions of section 22, be elected in the same manner as his predecessor was elected. Filling up of vacancies.

(2) If no member is elected at an election held under sub-section (1), a fresh election shall be held.

(3) If no member is elected at such fresh election, the Local Government may appoint a person to fill the vacancy.

(4) If the office of president is vacant and there is no vice-president, any three members of the committee may, after giving reasonable notice of not less than seven clear days to the other members, convene a meeting for the election of the president.

(5) An outgoing member, president or vice-president shall, if otherwise qualified, be eligible for re-election or reappointment.

(6) The election or appointment of a member, president or vice-president shall be notified in the prescribed manner.

Act of committee not to be invalidated by informality.

31. No act of a committee or of any person acting as president, vice-president or member of such committee shall be deemed to be invalid by reason only of a defect in the establishment or constitution of such committee or on the ground that any member of such committee was disqualified for, or had ceased to hold, such office, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president or member of such committee.

Incorporation of committee.

32. Every committee shall, by such name as the Local Government may determine, be a body corporate and shall have perpetual succession and a common seal and shall, by the said name, sue and be sued.

Officers and servants of committee, their appointment and punishment.

33. (1) The committee may, from time to time, determine the number, designations, grades and scales of salary or other remuneration of its officers and servants.

(2) Subject to such control as the Board may impose, the president of the committee shall have the power to appoint and transfer such officers and servants, and may fine, reduce, suspend, remove or dismiss them for breach of rules or discipline, for carelessness, unfitness, neglect of duty or misconduct or other sufficient cause.

Powers and duties of the president.

¹ **[34.]** (1) The resolutions of a committee shall be carried into effect by its President in whom the entire executive power of the committee shall, save as hereinafter provided, be vested.

(2) (a) All the resolutions of a committee shall be notified to the Board within one week after they are passed.

(b) The Board may call for any record or proceedings or other document or paper from any committee for the purpose of satisfying itself as to the correctness, regularity or propriety of any order or proceedings recorded or passed by such committee.

(3) (a) The Board shall have the power of staying, for reasons to be recorded by it, the execution of any of the resolutions of the committee and remitting the same to the committee for reconsideration.

¹ Section 34 was substituted by section 6 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

(b) If the committee upon such reconsideration confirm the said resolutions, the Board may, whenever it deems such step necessary in the interests of the temple affected or the proper management of the affairs of the committee, modify or cancel the said resolutions.]

35. Subject to the powers possessed by the Board under ¹ [sections 18, 34, and 35 A] and to the provisions of any scheme settled or deemed to be a scheme settled under this Act, a committee shall be entitled to exercise general superintendence over the temples for which it is constituted.

Committee to have general superintendence over temples.

² [35 A. Where the Board is satisfied that any committee has failed to perform the duties entrusted to it under this Act, the Board may, after giving reasonable notice to the committee and considering the representations it may make, undertake and perform all or any of such duties so left unperformed, the expenses if any involved therein being met from the funds of the committee concerned.]

Board's power to perform the duties of a committee at the expense of the funds of the Committee in case such committee makes defaults.

36. Subject to such control as may be prescribed, a committee may make regulations not inconsistent with this Act or with any rules or by-laws made thereunder in regard to the following matters:—

Power of Committee to make regulations.

- (a) the time and place of its meetings;
- (b) the manner in which notice thereof shall be given;
- (c) the quorum for the transaction of business at meetings;
- (d) the preservation of order and the conduct of proceedings at meetings and the powers which a president may exercise for the purpose of enforcing his decisions;
- (e) the manner in which the proceedings of meetings shall be recorded and published;
- (f) the division of duties among the president, vice-president and members of the committee;
- (g) the delegation of the powers, duties or functions of the committee or its president
 - (i) to the president or vice-president or a member, or
 - (ii) to a sub-committee of members;
- (h) the persons by whom receipts may be granted for money paid to the committee;
- (i) the accounts, returns and reports to be submitted by trustees of religious endowments;
- (j) the manner in which the decisions of the committee

¹ These words and figures were substituted for the word and figure "section 18" by section 7 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

² Section 35 A was inserted by section 8 *ibid.*

shall be ascertained otherwise than at meetings;
(k) all other similar matters.

Committee
not to exer-
cise jurisdic-
tion over
maths or
excepted
temples.

37. No committee constituted under the provisions of this chapter shall be entitled to exercise any jurisdiction over maths or excepted temples or the trustees thereof.

CHAPTER IV.

Religious Endowments in general.

Preparation
of register of
endowments.

38. (1) For every math and temple a register shall be maintained by the Board showing—

- (a) the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of trustee;
- (b) particulars of all endowments of the math or temple, and all title-deeds and other documents relating thereto;
- (c) particulars of the scheme of administration and of the *dittam* or scale of expenditure;
- (d) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;
- (e) the jewels, gold, silver, precious stones, all vessels and utensils and other movables belonging to the institution, with their estimated value; and
- (f) such other particulars as the Board may fix.

(2) The register shall be prepared, verified and signed by the trustee of the math or temple or by his authorized agent and submitted by him to the Board within such period after the commencement of this Act as the Board may fix.

Provided that a register relating to a temple over which a committee has jurisdiction shall be submitted through the committee which may, after making such inquiry as it may consider necessary, recommend such alterations, omissions or additions in the register as it may think fit.

(3) The Board may, after receiving the register from a trustee, make such inquiry as it may consider necessary and direct that the register be approved with such alterations, omissions or additions as it thinks fit to order.

(4) A copy of the register as approved by the Board shall be furnished to the trustee and to the committee, if any, concerned.

Annual veri-
fication of
the register.

39. (1) The trustee or his authorized agent shall annually scrutinize the entries in the register and shall submit to the Board for its approval a verified statement showing the alterations, omissions or additions required therein.

(2) The Board and the committee, if any, may on receipt of the statement make such inquiry as they think necessary and the Board may by order direct the alterations, omissions or additions which should be made in the register.

(3) A copy of the order under sub-section (2) shall be communicated to the trustee and the president of the committee, if any, concerned and he shall carry out the alterations, omissions or additions ordered by the Board in the copy of the register kept by him.

40. (1) The trustee of every religious endowment is bound to administer its affairs and to apply the funds and properties of such endowment in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof, and as carefully as a man of ordinary prudence would deal with such affairs, funds or properties if they were his own.

Care required of trustee and his powers.

(2) A trustee shall, subject to the provision of this Act, be entitled to exercise all powers incident to the provident and beneficial management of the religious endowment and to do all things necessary for the due performance of the duties imposed on him.

41. The trustee of specific endowments made for the performance of any service or charity connected with a math or temple shall perform such service or charity subject to the general superintendence of the trustee of the math or temple and shall obey all lawful orders issued by him.

Power of trustee of math or temple over trustees of specific endowments.

Madras I of 1902.

42. (1) When a vacancy occurs in the office of hereditary trustee of a religious endowment and there is a dispute respecting the right of succession to such office, or

Hereditary trustee.

when such vacancy cannot be filled up immediately, or when a hereditary trustee is a minor and has no legally constituted guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as such guardian, or

when a hereditary trustee is by reason of unsoundness of mind or other physical infirmity unable to discharge the functions of the trustee, the Board in the case of maths and excepted temples and the committee in the case of other temples may appoint a fit person to discharge the functions of the trustee of such endowment, until another trustee succeeds to the office or the disability of the trustee ceases to exist, as the case may be.

Nothing in this sub-section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902.

(2) In making an appointment under sub-section (1), the Board or committee shall have due regard to the claims of disciples, if any, in the case of maths, and of members of the family, if any, entitled to the succession, in the case of temples.

(3) The person so appointed shall be entitled to exercise all the powers which a trustee could exercise in relation to such endowment.

Appoint-
ment and
punishment
of servants
of temples.

43. (1) All office-holders and servants attached to a temple or in receipt of any emolument or perquisite from the temples shall be under the orders and control of the trustee; and the trustee may fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of lawful orders, neglect of duty, misconduct or other sufficient cause.

Provided that the Local Government may, in respect of any specified hereditary office-holder or servant or class of hereditary office-holders or servants and subject to the provisions of section 79, by order restrict and place under such control as they may think fit the exercise by the trustee of his powers of punishment under this sub-section.

(2) Any office-holder or servant of a temple other than an excepted temple punished by a trustee under sub-section (1) may, within such time as may be prescribed, appeal to the committee whose decision shall in the case of a non-hereditary office-holder or servant be final.

(3) A hereditary office-holder or servant of a temple other than an excepted temple may, within such time as may be prescribed, prefer a further appeal to the Board against the order of a committee on an appeal under sub-section (2) and the decision of the Board shall be final.

(4) Any office-holder or servant of an excepted temple punished by a trustee under sub-section (1) may, within such time as may be prescribed, appeal to the Board whose decision shall be final.

Enforcement
of service
when endow-
ment is a
charge on
property.

44. Where an endowment for the performance of a charity or service connected with a temple consists merely of a charge on property and there is failure in the due performance of the charity or service by the person responsible, the trustee of the temple may require the person in possession of the property on which the endowment is a charge to pay to the trustee the expenses incurred or likely to be incurred in causing the charity or service to be performed otherwise. In default of such person making the payment as required by the trustee, the court shall, on the application of the trustee, pass an order for the recovery of the amount and such order may be enforced as if it were a decree of such court:

Provided that where the person in possession of the property on which the endowment is a charge is not the person responsible in law for the performance of the charity or service, and the amount referred to in this section is recovered from the person in possession, the court shall, on the application of such person, pass an order for the recovery of the amount from the person responsible in law and such order may also be enforced as if it were a decree of such court.

¹ [44 A. (1) (a) (i) Where the remuneration for any service to be performed by a devadasi in a temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the Local Government shall enfranchise the said lands from the condition of service, by the imposition of quit-rent;

Enfranchise-
ment or
freeing of
lands, etc.,
held by a
devadasi on
condition of
service in a
temple.

(ii) Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the Local Government shall enfranchise such assignment of revenue from the condition of service;

Provided that where, at the time when proceedings are taken under this sub-section, the devadasi is herself the owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i);

(iii) Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause (i) and of the assignment of land revenue in the manner laid down in sub-clause (ii);

Explanation.—For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), the owner of the lands in question.

(b) Enfranchisement under clause (a) shall be effected in accordance with such rules as the Local Government may make in this behalf and shall take effect as and from such date as the Local Government may fix.

(2) Where the remuneration for such service consists, in whole or in part, of lands or of produce of lands not falling under sub-section (1), the Local Government shall direct the Collector to determine the amount of rent payable on the lands or the produce in question. The Collector shall thereupon, after giving notice to the parties concerned and holding such inquiry as may be prescribed by the Local Government, by an order determine the amount of rent, and in doing so, he shall have due regard to

(a) the rent payable by the tenant for lands of a similar description and with similar advantages in the same village or neighbouring villages; and

(b) the improvements, if any, effected by the devadasi, in respect of the lands.

Such order shall be communicated to the parties concerned and also published in the manner prescribed.

(3) The amount of rent fixed by the Collector under sub-section (2) may be questioned by petition presented to the Board of Revenue within three months of the date of the

¹ Section 44 A was added by section 2 of the Madras Hindu Religious Endowments (Amendment) Act, 1929 (Madras Act V of 1929).

publication of the order under the said sub-section but subject to the result of such petition, the order of the Collector fixing the amount of rent under sub-section (2) shall be final and shall not be liable to be contested in any court of law:

Provided, however, that the Board of Revenue shall have power on sufficient grounds to entertain a petition presented after the expiration of the period of three months.

(4) While determining the rent under sub-section (2), the Collector shall fix a date from which the order shall take effect and such lands or produce shall be deemed to have been freed from the condition of service as and from the date so fixed.

(5) No obligation to render any service relating to any temple to which any devadasi may be subject by reason of any grant of land or assignment of land revenue or produce derived from land, shall be enforceable on such land, assignment or produce being enfranchised or freed, as the case may be, in the manner hereinbefore provided.

(6) No order passed under sub-sections (1), (2) and (3) shall operate as a bar to the trial of any suit or issue relating to the right to enjoy the land or assignment of land revenue or produce derived from land as the case may be.

(7) (a) The quit-rent imposed under sub-section (1) shall be payable to the temple concerned.

(b) The assignment of land revenue enfranchised under sub-section (1) or the rent fixed under sub-sections (2) and (3) as the case may be shall be payable to the devadasi concerned during her lifetime and after her death to the temple concerned.

(8) For the purpose of this section 'devadasi' shall mean any Hindu unmarried female, who is dedicated to a temple.]

Resumption
and re-grant
of inam
granted for
the perfor-
mance of
any charity
or service
connected
with a
math or
temple in
case of
alienation
of the inam
or of failure
to perform
the charity
or service.

¹ [44 B. (1) Any exchange, gift, sale or mortgage, and any lease for a term exceeding five years, of the whole or any portion of any inam granted for the performance of a charity or service connected with a math or temple and made, confirmed or recognized by the British Government, shall be null and void.

(2) (a) The Collector may, on his own motion, or on the application of the trustee of the math or temple or of the Committee or of the Board or of any person having interest in the math or temple who has obtained the consent of such trustee, committee or Board, by order, resume the whole or any part of any such inam, on one or more of the following grounds, namely:—

(i) that the holder of such inam or part has made an exchange, gift, sale or mortgage of the same

¹ Section 44-B was inserted by section 2 of the Madras Hindu Religious Endowments (Amendment) Act, 1934 (Madras Act XI of 1934).

or any portion thereof or has granted a lease of the same or any portion thereof for term exceeding five years, or

- (ii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage or such math or temple, the charity or service for performing which the inam had been made, confirmed or recognized by the British Government, or any part of the said charity or service, as the case may be, or
- (iii) that the math or temple has ceased to exist or the charity or service in question has in any way become impossible of performance.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part, as the case may be, is a grant of both the melvaram and the kudivaram or only of the melvaram.

(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the committee, to the Board, to the inamdar concerned or where only a part of the inam is affected, to the holder of such part as well as to the holder or holders of the other part or parts, and to the alienee, if any, hear their objections, if any, and hold such inquiry as may be prescribed.

(c) A copy of every order passed under clause (a) shall be communicated to each of the persons and bodies mentioned in clause (b), and shall also be published in the manner prescribed.

(d) (i) Any party aggrieved by an order of the Collector under clause (a) may appeal to the District Collector within such time as may be prescribed, and on such appeal the District Collector may, after giving notice to each of the persons and bodies mentioned in clause (b) and after holding such inquiry as may be prescribed, pass an order confirming, modifying or cancelling the order of the Collector.

(ii) The order of the District Collector on such appeal, or the order of the Collector under clause (a) where no appeal is preferred under sub-clause (i) to the District Collector within the time prescribed, shall be final:

Provided that where there has been an appeal under sub-clause (i) and it has been decided by the District Collector or where there has been no appeal to the District Collector and the time for preferring an appeal has expired, any party aggrieved by the final order of the District Collector or the Collector, as the case may be, may file a suit in a Civil Court for determining whether the inam comprises

both the melvaram and the kudivaram or only the melvaram. Such a suit shall be instituted within six months—

from the date of the order of the District Collector on appeal, where there has been an appeal under sub-clause (i), or,

from the date of the expiry of the period prescribed under sub-clause (i) for an appeal to the District Collector, in a case where there has been no appeal.

(e) Except as otherwise provided in clause (d) an order of resumption passed under this section shall not be liable to be questioned in any Court by suit or otherwise.

(f) Where any inam or part of an inam is resumed under this section, the Collector or the District Collector, as the case may be, shall, by order, re-grant such inam or part—

(i) as an endowment to the math or temple concerned, or

(ii) in case of resumption on the ground that the math or temple has ceased to exist or that the charity or service in question has in any way become impossible of performance, as an endowment to the Board, for appropriation to such religious, educational or charitable purposes not inconsistent with the objects of such math or temple, as the Board may direct.

(g) The order of re-grant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.

(h) Nothing in this section shall affect the operation of section 44 A.]

Maintenance
of accounts
and appoint-
ment of
auditors.

45. (1) A Board, a committee and the ¹ [trustee of any math or temple or of any religious endowment attached to any math or temple] shall keep regular accounts of receipts and disbursements.

(2) Such accounts shall be audited annually, or at such other intervals as may be prescribed, by auditors appointed by the Local Government. Auditors so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Submission
of audit
report.

46. After completing the audit the auditor shall submit a report—

(a) to the Local Government in the case of the accounts of a Board,

¹ The words within square brackets were substituted for the words "trustee of a religious endowment" by section 3 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

- (b) to the Board in the case of the accounts of a committee, math or excepted temple, and
- (c) to the committee in the case of the accounts of temples over which it has jurisdiction.

47. (1) The report of the auditor shall among other things specify all cases of irregular, illegal or improper expenditure, or of failure to recover moneys or other property due to the institution, or of loss or waste of money or other property of the institution caused by neglect or misconduct.

Contents of the audit report.

(2) The auditor shall also report on any other matter which the Board or committee may require in respect of any specified religious endowment.

¹ [48. (1) Notwithstanding any provision to the contrary contained in the scheme, if any, settled or deemed to be settled under this Act, the cost of auditing the accounts of any math or temple or any religious endowment attached to any math or temple shall be payable out of the funds of such math, temple or religious endowment. Such cost shall be fixed by the Board and shall not exceed one and a half per centum of the gross income of the math, temple or religious endowment concerned and shall be paid by the trustee thereof within the time allowed, and in accordance with the directions issued, by the Board, subject to any rules which the Local Government may prescribe in this behalf.

Recovery of cost of audit.

(2) If such cost is not paid within the time allowed, it shall be recovered in the manner provided in sub-sections (2), (3) and (4) of section 70 as if the default in such payment were a default in the payment of the amounts specified in sub-section (1) of that section. The protection conferred by sub-section (5) of the said section on the Secretary of State for India in Council and officers of Government, shall also be available to them in respect of anything in good faith done or intended to be done in pursuance of this sub-section.

(3) The cost of auditing the accounts of a committee shall be fixed by the Board and met from the funds of the committee. It shall be paid by the president of the committee within the time allowed, and in accordance with the directions issued, by the Board.]

CHAPTER V.

Temples.

49. The provisions of this chapter shall not apply to excepted temples or the trustees thereof.

Chapter not to apply to excepted temples.

¹ Section 48 was substituted for the original by section 4 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

Trustee to
be Hindu.

50. No person may succeed, or be appointed, to the office of trustee of a temple unless he professes the Hindu religion.

Non-heredi-
tary trus-
tees, their
number and
appoint-
ment.

51. (1) Subject to the provisions of sub-section (4) the number of non-hereditary trustees for any temple shall be fixed by the committee, but shall not exceed three.

(2) Non-hereditary trustees shall be appointed by the committee and in making such appointments the committee shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the temple concerned is chiefly maintained.

(3) A non-hereditary trustee shall hold office for five years from the date of the order appointing him, unless in the meanwhile he is removed or dismissed, or his resignation is accepted, by the Committee, or he ceases otherwise to be a trustee.

(4) Every non-hereditary trustee lawfully holding office on the date of commencement of this Act shall be deemed to have been duly appointed trustee under this Act on such date, but shall be entitled to hold office only for one year from such date.

Trustee to
obey orders
of commit-
tees.

52. The trustee of a temple shall be bound to obey all orders issued under the provisions of this Act by the Board or committee or the President of such Board or committee.

Removal
and dis-
missal of
trustees.

53. (1) The committee may suspend, remove or dismiss the trustee of a temple--

- (a) for persistent default in the submission of budgets, accounts, reports or returns, or
- (b) for wilful disobedience of lawful orders issued by the Board or committee, or the President of such Board or committee, or
- (c) for any malfeasance, misfeasance, breach of trust, or neglect of duty in respect of the trusts, or
- (d) for any misappropriation of, or improper dealing with, the properties of the temple of which he is trustee, or
- (e) for unsoundness of mind or other physical infirmity which unfits him for discharging the functions of a trustee.

(2) When the committee proposes to take action under sub-section (1) it shall frame charges against the trustee concerned and give him an opportunity of explanation, of testing the evidence against him and of adducing evidence in his favour and may place the trustee under suspension pending the disposal of the charges framed. The order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding of the committee on each charge with the reasons therefor.

(3) A trustee suspended, removed or dismissed under this section may, within three months of the date of the communication of the order of suspension, removal or dismissal, appeal to the Board against such order:

Provided that a hereditary trustee may, in lieu of appealing to the Board, apply within the same period to the court to modify or cancel the order of the committee.

(4) The order of the committee under this section shall, when no appeal is preferred or application made under sub-section (3); be final; and when such appeal is preferred or application is made the order of the Board or the court, as the case may be, shall be final.

54. (1) A non-hereditary trustee shall cease to hold his office if he— Disqualifications of trustees.

(a) is sentenced by a court to such punishment as is described in sub-section (2) of section 26 and subject to the proviso contained therein;

(b) applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(c) ceases to profess the Hindu religion.

(2) A hereditary trustee shall cease to hold his office if he ceases to profess the Hindu religion.

(3) If a hereditary trustee becomes subject to any of the disqualifications described in clause (a) or clause (b) of sub-section (1), the committee may supersede him and appoint a fit person to administer the temple until the disability of the trustee ceases to exist or another trustee succeeds to the office.

(4) The Board shall, in cases of dispute or doubt, determine whether a trustee is disqualified under this section and its decision shall be final.

55. Subject to the provisions of any scheme settled or deemed to be a scheme settled under this Act— Fixing of standard scales of expenditure in temples.

(1) the trustee of a temple may from time to time submit to the committee proposals for fixing the *dittam* or scale of expenditure in the temple and the amounts which should be allotted to the various objects or ceremonies connected with such temple or the proportions in which the income or other property of the temple may be applied to such objects or ceremonies.

(2) The trustee shall publish such proposals at the temple and in such other manner as the committee may direct, together with a notice stating that, if within one month from the date of such publication any objection or suggestion is received from any person having interest, the committee will consider such objection or suggestion. .

(3) After the expiry of the period fixed under sub-section (2), the committee shall consider the objections or suggestions that may have been received and may pass such orders as it thinks fit on the proposals.

(4) The trustee or any person having interest may within six months of the date of the order passed by the committee under sub-section (3) either appeal to the Board against such order or institute in the court a suit to modify or set aside the same.

If such an appeal is preferred or such a suit is instituted the Board or the court shall give at the expense of the appellant or the plaintiff, as the case may be, notice of the appeal or of the institution of the suit to all persons having interest either by personal service or where from the number of persons or any other cause such service is not reasonably practicable by public advertisement as the Board or court may in each case direct.

(5) Subject to the result of such appeal or suit as is referred to in sub-section (4) the order of the committee shall be final. The order of the Board on appeal shall be final.

(6) The *dittam* or scale of expenditure for the time being in force in a temple shall not be altered by the trustee except in accordance with the procedure laid down in this section.

Budgets of
temples.

56. (1) The trustee of every temple shall in each year submit to the committee before such date and in such form as the Board may require, a budget showing the probable receipts and disbursements of the temple and the endowments connected therewith during the following year.

(2) Every such budget shall make adequate provision for the *dittam* or scale of expenditure for the time being in force and the due discharge of all liabilities in respect of loans.

(3) The committee may within such time after the receipt of the budget as the Board may fix, direct the trustee to make such alterations, omissions or additions in the budget as it may think fit.

(4) The trustee may, within such time as the Board may fix, appeal against the order of the committee under sub-section (3) to the Board whose decision shall be final.

Schemes for
non-excepted
temples.

57. (1) When the Board is satisfied that, in the interests of the proper administration of the endowments of a temple, a scheme of administration should be settled, the Board may, after consulting in the prescribed manner the trustee, the committee, if any, and the persons having interest, by order settle a scheme of administration for the endowments of such temple.

¹ [A scheme settled by the Board under this sub-section may contain provision for—

- (a) fixing the number of non-hereditary trustees;
- (b) removing any existing trustee or trustees whether hereditary or non-hereditary;
- (c) appointing a new trustee or trustees in addition to or in the place of any existing trustee or trustees, whether hereditary or non-hereditary:

Provided that where provision is made in the scheme for the removal of a hereditary trustee provision shall also be made therein for the person next in succession who is qualified being appointed as trustee;

- (d) appointing or directing the appointment of a paid executive officer, who shall be a person professing the Hindu religion, on such salary as may be fixed by the Board, to be paid out of the trust funds, and defining the powers and duties of such officer; or
- (e) defining the powers and duties of the trustee or trustees.

Explanation.—The power to settle a scheme under this sub-section shall be deemed to include a power to settle a scheme for any specific endowment or endowments attached to a temple.]

² [(1 A) The Board may, for good and sufficient cause, suspend, remove or dismiss any executive officer appointed in pursuance of a scheme settled under sub-section (1) or direct the removal of such officer.]

(2) The Board may by order and in the manner provided in sub-section (1) modify or cancel a scheme settled under that sub-section.

(3) Every order of the Board under this section shall be published in the prescribed manner.

The trustee or any person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order. Subject to the result of such suit every order of the Board shall be final and binding on the committee, the trustee and all persons having interest.

(4) Any scheme of administration which has been settled by a court under this section or which under section 75 is deemed to be a scheme settled under this Act may, at any time, for sufficient cause be modified or cancelled by the court

¹ The portion within square brackets was added by section 5 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

² Sub-section (1-A) was inserted by *ibid.*

in a suit instituted by the Board or the trustee or any person having interest, but not otherwise.

Filling up of vacancies among office holders or servants.

58. (1) Vacancies amongst the office-holders or servants of a temple shall be filled up by the trustee in cases where the office or service is not hereditary.

(2) In cases where the office or service is hereditary, the next in the line of succession shall be entitled to succeed:

Provided that, if there is a dispute respecting the right of succession to such office or service, or in cases where such vacancy cannot be filled up immediately, or where the person entitled to succeed is a minor without a legally constituted guardian fit and willing to act as such, or where the hereditary office-holder or servant is by reason of unsoundness of mind or other physical infirmity unable to discharge the functions of the office or perform the service, the trustee may appoint a fit person to discharge the duties of the office or perform the service, until another person succeeds to the office or service or the disability of the office-holder or servant ceases to exist, as the case may be.

(3) In making an appointment under the proviso to sub-section (2), the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession.

Trustees to furnish accounts, etc., to committee or Board.

59. The trustee of every temple shall furnish such accounts, returns, reports or other information relating to the administration of the temple in his charge and at such time and in such form as the committee or Board may require.

Inspection by president or member of endowments.]

60. The president or any member of the committee deputed by him in this behalf may inspect all movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to any temple, and the trustee of such temple and all officers and servants working under him shall afford to the president or such member such assistance as may be necessary.

Exercise of the rights and powers and discharge of the duties of a committee by the Board in certain cases.

¹ **[60 A.** (1) Where for any local area or any class or classes of institutions in any local area, a committee has not been constituted or is not in existence, the Board and its President may, notwithstanding anything contained in this Act, exercise all or any of the powers and perform all or any of the duties of the committee and its president respectively, until a committee is constituted or comes into existence.

(2) The provisions of this Act relating to appeal from the orders of a committee to the Board or the approval of the actions of a committee by the Board shall not apply to the orders or actions of the Board acting under sub-section (1).]

¹ Section 60 A was added by section 2 of the Madras Hindu Religious Endowments (Amendment) Act, 1931 (Madras Act XI of 1931).

CHAPTER VI.

Maths and excepted temples.

61. The trustee of every math and excepted temple shall in each year submit to the Board before such date and in such form as the Board may require—

Submission of budgets and annual accounts.

- (a) a budget showing the probable receipts and disbursements of the following year, and
- (b) a statement of the actual receipts and disbursements of the previous year.

62. When the Board has reason to believe that the trustee of a math or excepted temple has been mismanaging the endowments of such math or temple or has been spending or alienating them for improper purposes, or when not less than twenty persons having interest make an application to the Board stating that in the interests of the proper administration of such endowments a scheme of administration should be settled, the Board may hold an inquiry which shall be conducted in such manner as may be prescribed.

Inquiry by Board into mismanagement by trustees.

63. (1) If after making the inquiry referred to in section 62 the Board is satisfied that the trustee concerned has mismanaged the endowments of such math or temple or has spent or alienated them for improper purposes, or that, in the interests of the proper administration of such endowments, a scheme of administration should be settled, the Board may, after consulting in the prescribed manner the trustee and the persons having interest, by order settle a scheme of administration for the endowments connected with such math or temple.

Schemes for maths and excepted temples.

¹ [A scheme settled by the Board under this sub-section may contain provision for—

- (a) fixing the number of non-hereditary trustees ;
- (b) appointing a new trustee or trustees in addition to the existing trustee or trustees ;
- (c) associating one or more persons with the trustee or trustees or constituting a separate body, for the purpose of participating or assisting in the whole or any part of the administration of the endowments connected with such math or temple :

Provided that where the Board considers it necessary to associate any person or persons with the trustee or trustees of a math or to constitute any separate body for participating or assisting in the administration of a math, such person or persons or the members of such body shall be chosen from persons having interest in such math.

¹ The portion within square brackets was added by section 6 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

- (d) appointing or directing the appointment of a paid executive officer, who shall be a person professing the Hindu religion, on such salary as may be fixed by the Board, to be paid out of the trust funds, and defining the powers and duties of such officer ; or
- (e) defining the powers and duties of the trustee or trustees.

Explanation.—The power to settle a scheme under this sub-section shall be deemed to include a power to settle a scheme for any specific endowment or endowments attached to a math or temple.]

¹ [(1 A) The Board may, for good and sufficient cause, suspend, remove or dismiss any executive officer appointed in pursuance of a scheme settled under sub-section (1) or direct the removal of such officer.]

² [* * * *]

(3) The Board may at any time by order and in the manner provided in sub-section (1) modify or cancel a scheme settled under that sub-section.

(4) Every order of the Board under this section shall be published in the prescribed manner.

The trustee or any person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order.

Finality of Board's order.

64. Every order of the Board, under section 63 shall, subject to the result of any suit which may be instituted under sub-section (4) of that section, be final and binding on the trustee and all persons having interest.

Modification or cancellation of schemes.

65. Any scheme of administration which has been settled by a court under section 63 or which under section 75 is deemed to be a scheme settled under this Act may, at any time, for sufficient cause be modified or cancelled by the court in a suit instituted by the Board or the trustee or any person having interest but not otherwise.

³ [“ CHAPTER VI-A.]

Notified temples.

Power of Local Government to notify temple or endowment to be subject to the provisions of this chapter.

65 A. (1) (a) The Board may by notice published in the prescribed manner, call upon the trustee and all other persons having interest in a temple or in any specific endowment attached to a temple to show cause why such temple or endowment should not be notified to be subject to the provisions of this Chapter.

Sub-section (1 A) was inserted by section 6 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

² Sub-section (2) was omitted by *ibid.*

³ Chapter VI-A was inserted by section 7 *ibid.*

(b) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue thereof, for showing such cause.

(2) (a) The trustee or any person having interest in the temple or endowment may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(b) Such objection shall be in writing and shall reach the Board before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Board in that behalf.

(3) Where no such objection has been received within the time specified in the notice issued under sub-section (1) or within such further time as may be granted by the Board, the Local Government may, by notification published in the *Fort St. George Gazette*, declare the temple or endowment to be subject to the provisions of this Chapter.

(4) Where any such objection or objections has or have been received within the time specified in the notice issued under sub-section (1) or within such further time as may be granted by the Board, the Board shall hold an enquiry into the objection or objections in the manner prescribed, and decide whether the temple or endowment concerned should be notified to be subject to the provisions of this Chapter or not.

Explanation.—The powers conferred on the Board by this sub-section shall be exercised by a Committee of the Board consisting of not less than three commissioners of whom the president shall be one.

(5) (a) If a committee of the Board decides that the temple or endowment should be notified as aforesaid, the Board shall publish its decision in the *Fort St. George Gazette*.

(b) The trustee or any person having interest may appeal against such decision to the Board within two months from such publication and such appeal shall be heard and decided by the president and all the other commissioners of the Board sitting together. If no such appeal is preferred or if such an appeal is preferred and dismissed, then the Local Government may, by notification published in the *Fort St. George Gazette*, declare the temple or endowment to be subject to the provisions of this Chapter.

65 B. On the publication of a notification in respect of Schemes to any temple or endowment under section 65 A, the scheme of ^{cease to} administration, if any, settled for such temple or endowment ^{apply to} by any Court or by the Board, as the case may be, and all ^{notified} temple or rules, if any, framed under such a scheme shall cease to apply ^{endowment.} to such temple or endowment.

Appoint-
ment of
executive
officer for
notified
temple or
endowment
and his
powers and
duties.

65 C. (1) For every notified temple or endowment, the Board shall appoint a salaried executive officer, who shall be a person professing the Hindu religion, as soon as may be after the publication of the notification under section 65 A in respect of such temple or endowment.

(2) The executive officer shall hold office for such period as may be fixed by the Board in that behalf and he shall exercise such powers and perform such duties as may be vested in or assigned to him by the Board.

Explanation.—The Board shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the notified temple or endowment. The executive officer shall for purposes of section 78 be deemed to be a person appointed to discharge the functions of a trustee under the Act.

(3) The executive officer shall be paid such salary and allowances as may be determined by the Board from the funds of the notified temple or endowment.

(4) The Board may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

Jurisdiction
over notified
temple or
endowment.

65 D. (1) Notwithstanding anything contained in this Act—

(i) no temple committee shall be entitled to exercise any jurisdiction over a notified temple or endowment; and

(ii) the Board and its President may, in respect of any notified temple other than an excepted temple and in respect of any notified endowment other than an endowment attached to an excepted temple, exercise all or any of the powers and perform all or any of the duties of the committee and its President, respectively.

(2) The provisions of this Act relating to appeals from the orders of the committee to the Board or the approval of the actions of a committee by the Board shall not apply to the orders or actions of the Board acting under clause (ii) of sub-section (1).

Sections 57,
62 and 63
not to apply
to notified
temple or
endowment.

65 E. Sections 57, 62 and 63 shall cease to apply to such temples and endowments as are notified under section 65 A.]

CHAPTER VII.

Application of endowment funds.

Authority of
trustee
to incur
expenditure
on health,
etc., of
pilgrims and
worshippers.

66. The trustee of a math or temple may, out of the funds of the endowments in his charge, after satisfying adequately the purposes of the endowments, incur expenditure on arrangements for securing the health, safety, or convenience of disciples, pilgrims or worshippers resorting to such math or temple:

Provided that the Board in the case of maths and excepted temples and the committee in the case of other temples may, for reasons to be set forth in writing, restrict and place under such control as they may think fit the exercise by the trustee of his discretion under this section.

67. (1) The Board may, after holding an inquiry in such manner as may be prescribed, by order, declare that the purpose of a religious endowment has from the beginning been, or has subsequently become, impossible of realization or that the machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such math or temple:

Cypres
application
of endow-
ment
or surplus.

Provided that the Board in the case of maths and maintained by a community the amount of the endowment or the surplus shall, as far as possible, be utilized for the benefit of the community for the purposes mentioned above.

(2) It shall be competent to the Board when giving a direction under sub-section (1) to determine what portion of such amount or surplus shall be retained as a reserve fund for the math or temple and to direct the remainder to be appropriated to the purposes specified in that sub-section.

(3) The Board may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.

(4) The order of the Board under this section shall be published in the prescribed manner. The trustee or any other person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order.

Subject to the result of such suit the order of the Board shall be final and binding on the committee, if any, the trustee and all persons having interest.

(5) Any decision of the court under this section may, at any time, for sufficient cause be modified or cancelled by the court in a suit instituted by the Board or the trustee or any person having interest but not otherwise.

CHAPTER VIII.

Finance.

Recovery from endowment of expenses incurred by the Board or committee on legal proceedings. **68.** All costs and expenses incurred in connexion with legal proceedings in respect of any religious endowment to which a Board or committee is a party shall, notwithstanding anything contained in section 74, be payable out of the funds of such endowment.

Annual contribution from endowments to the Board and committee. **69.** ¹ [(1) Every math or temple and every specific endowment attached to a math or temple shall pay annually for meeting the expenses of the Board such contribution not exceeding one and a half per centum of its income as the Board may determine:

Provided that every notified temple other than an excepted temple, and every notified endowment other than an endowment attached to an excepted temple shall pay annually to the Board such contribution not exceeding three per centum of its income as the Board may determine.]

(2) ² [Every temple other than an excepted or notified temple and every specific endowment attached to a temple other than excepted or notified temple] shall pay annually for meeting the expenses of the committee such contribution not exceeding one and a half per centum of its income as the committee may with the approval of the Board determine.

(3) Religious endowments the administration of which is governed by a scheme settled under section 92 of the Code of Civil Procedure, 1908, shall, notwithstanding anything to the contrary contained in such scheme, be liable to pay the contribution under this section.

V of 1908.

Assessment and recovery of costs, expenses and contributions.

70. (1) The costs, expenses and contributions payable under sections 68 and 69 shall be assessed on and notified to the trustee of ³ [the math, temple or specific endowment concerned] in the prescribed manner.

[* * * *] ⁴

¹ Sub-section (1) was substituted for the original by section 8 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

² The words within square brackets were substituted for the words 'every temple other than an excepted temple' by section 8 *ibid.*

³ The words within square brackets were substituted for the words 'every math and temple' by section 9 *ibid.*

⁴ The words 'where the contribution or a portion of the contribution has to be paid by a specific endowment, the same shall be assessed on and notified to the trustee of the specific endowment also' were omitted by *ibid.*

¹[(2) (a) Such trustee shall, within one month of the date of his receipt of such notice or within such further time as may be granted by the Board or committee, pay out of the funds of the math, temple or endowment concerned, the amount so demanded to the President of the Board or of the committee, as the case may be, or to any person authorized by him; and in default of such payment, the Collector of the district in which any property of the math, temple or endowment is situated shall, on a requisition made to him in the prescribed form by the President of the Board or of the committee, as the case may be, and subject to the provisions of this section, recover such amount as if it were an arrear of land revenue and the amount so recovered shall, after deduction therefrom of such percentage on account of the cost of recovery as the Local Government may by general or special order from time to time determine, be paid to such president.

(b) On receipt of a requisition under clause (a), the Collector shall issue a notice to the trustee concerned—

(i) requiring him, within fifteen days from the service of such notice, either to pay the amount mentioned in the requisition and specified in the notice or to state in writing his objections, if any, thereto; and

(ii) stating that such amount or the amount found due from the trustee after his objections, if any, have been considered will be recovered as if it were an arrear of land revenue.

(c) If, within the period of fifteen days aforesaid, no objection in writing is received by the Collector from the trustee, the Collector shall proceed to recover the amount specified in the notice as if it were an arrear of land revenue.

(d) If, within the said period, an objection in writing is received by the Collector from the trustee with regard either to his liability or to the amount specified in the notice, the Collector shall transmit such objection to the President of the Board.

(e) The President of the Board shall consider the objection so transmitted and communicate to the Collector his decision confirming, withdrawing or modifying the original demand.

(f) The Collector shall then proceed to recover the amount, if any, due from the trustee under the decision so communicated as if it were an arrear of land revenue.]

¹ Sub-sections (2) to (5) were substituted for the original sub-section (2) by section 3 of the Madras Hindu Religious Endowments (Amendment) Act, 1931 (Madras Act XI of 1931).

¹ [(3) The Collector may, on receipt of a requisition under clause (a) of sub-section (2), withhold the amount mentioned therein out of the tasdik or other allowance payable by the Local Government to the math or temple concerned and pay to the President of the Board or of the committee, as the case may be, the said amount after the expiry of the period of fifteen days referred to in clause (b) of sub-section (2) or in case an objection is received under clause (d) of that sub-section the amount, if any, due under the decision referred to in clause (e) thereof. Where the tasdik or other allowance is insufficient for the purpose, the Collector may withhold and pay as aforesaid the amount available and recover the balance as if it were an arrear of land revenue.]

¹ [(4) Places of worship including temples and tanks where utsavams are performed, idols, vahanams and jewels and such vessels and other articles of a math or temple as, in accordance with the usage of the temple or math concerned, are necessary for purposes of worship or ceremonial processions shall not be liable to be proceeded against in pursuance of sub-sections (2) and (3).]

¹ [(5) No suit, prosecution or other legal proceeding shall be entertained in any Court against the Secretary of State for India in Council or any officer of Government for anything in good faith done or intended to be done in pursuance of this section.]

CHAPTER IX.

Miscellaneous.

Power of
Local Govt.
to make
rules.

71. (1) The Local Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to the following matters:—

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the registration of electors;
- (c) the nominations of candidates, the times of election, the mode of recording and counting votes and the declaration and publication of the results of elections;
- (d) the conduct of inquiries and the decision of disputes relating to elections;

¹ See footnote to sub-section (2).

- (e) the powers of the President and commissioners of a Board to hold inquiries, to summon and examine witnesses and to compel the production of documents;
- (f) the grant of leave, leave allowances and travelling allowances to the President and commissioners of a Board and generally the conditions of service of such President and commissioners;
- (g) the budgets, reports, accounts, returns or other information to be submitted by Boards;
- (h) the qualifications for officers and servants of a Board, the grant of leave, leave allowances and travelling allowances to them, the establishment of provident funds for them and generally the conditions of their service;
- (i) the organization of a staff of auditors, their salaries and allowances, the control of such staff, its relations with Boards, committees and trustees and generally the conditions of service of auditors;
- (j) the calculation of the cost of audit and its apportionment among Boards and committees;
- (k) the manner in which the accounts of Boards, committees or endowments shall be audited and published, the time and place of audit and the form and contents of the auditor's report; and
- (l) the method of calculating the income of a religious endowment.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

72. (1) The Local Government may make rules altering, adding to, or cancelling any of the schedules to this Act. Power to alter schedules.

(2) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as amended in exercise of the powers conferred by sub-section (1).

(3) A draft of the rules proposed to be made under this section shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council by resolution approves the draft either without modification or addition or with modifications or additions; but upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be notified and shall thereafter be of full force and effect.

Suits.

73. (1) The Board [* * * *]¹ or any person having interest and having obtained the consent of the Board may institute a suit in the Court to obtain a decree—

(a) appointing or removing the trustee of a math or excepted temple² [or of a specific endowment attached to a math or excepted temple],

(b) vesting any property in a trustee,

(c) declaring what proportion of the endowed property or of the interest therein shall be allocated to any particular object of the endowment [* * *]³

⁴ [(d) directing accounts and inquiries, or]

⁴ [(e)] granting such further or other relief as the nature of the case may require.

⁵ [(2) The provisions of sub-section (1) shall apply as well to suits and appeals pending in civil courts on the date of the commencement of the Madras Hindu Religious Endowments (Amendment) Act, 1935, as to suits and appeals instituted after the commencement of that Act.]

⁵ [(3)] Sections 92 and 93 and rule 8 of order I of the first schedule of the Code of Civil Procedure, 1908, shall have no application to any suit claiming any relief in respect of the administration or management of a religious endowment and no suit in respect of such administration or management shall be instituted except as provided by this Act. v of 1908.

Cost of suits, etc.

74. The costs, charges and expenses of and incidental to any suit or application under this Act or to any appeal from a decree or order passed in such suit or on such application shall be in the discretion of the court, which may subject to the provisions of section 68 direct the whole or any part of such costs, charges and expenses to be met from the property or income of the endowment concerned or to be borne and paid in such manner and by such persons as it thinks fit.

Cost of proceedings, etc.

⁶[74 A. The costs of and incident to all proceedings before the Board shall be in the discretion of the Board, which shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid; and the order passed in this regard may be transferred for execution to the court and shall be executed by the court as if the order had been passed by itself.]

¹ The words 'or a committee having jurisdiction over any math or temple' were omitted by section 10 of the Madras Hindu Religious Endowments (Amendment) Act, 1935 (Madras Act XII of 1935).

² The words within square brackets were inserted by *ibid.*

³ The word 'or' was omitted by *ibid.*

⁴ Clause (d) was relettered as clause (e) and clause (d) was inserted by *ibid.*

⁵ Sub-section (2) was renumbered (3) and sub-section (2) was inserted by *ibid.*

⁶ Section 74 A was inserted by section 9 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

v of 1908.

75. Where the administration of a religious endowment is governed by any scheme settled under section 92 of the Code of Civil Procedure, 1908, such scheme shall, notwithstanding any provisions of this Act which may be inconsistent with the provisions of such scheme, be deemed to be a scheme settled under this Act; and such scheme may be modified or cancelled in the manner provided by this Act.

Schemes settled under section 92 of the Civil Procedure Code.

76. (1) No exchange, sale or mortgage and no lease for a term exceeding five years of any immovable property belonging to any math or temple shall be valid or operative unless it is necessary or beneficial to the math or temple and is sanctioned by the Board in the case of maths and excepted temples and by the committee in the case of other temples.

Alienation of immovable trust property.

(2) The trustee of the math or temple or any person having interest may, within one year of the date of the order of the Board or committee under sub-section (1), apply to the court for modifying or cancelling such order.

(3) The order of the Board or committee under sub-section (1) when no application is made under sub-section (2) and the order of the court when such application is made shall be final.

77. (1) Where an endowment has been made or property given for the support of an institution which is partly of a religious and partly of a secular character or for the performance of any service or charity connected therewith, or

Application of the Act to endowments partly religious and partly secular.

where an endowment made or property given is appropriated partly to religious and partly to secular uses, the Board may notwithstanding anything contained in the Madras Endowments and Escheats Regulation, 1817, determine what portion of such endowment or property or of the income therefrom shall be allocated to religious uses. Such portion shall thereafter be deemed to be a religious endowment and its administration shall be governed by the provisions of this Act.

Mad. VII of 1817.

(2) Any party affected by an order under sub-section (1) may within such time as may be prescribed apply to the court to modify or set aside such order but, subject to the result of such application, the order of the Board shall be final.

¹ [78. Where a person has been appointed as trustee of a math or temple or a religious endowment connected therewith or has been appointed to discharge the functions of a trustee by the committee or the Board, in accordance with the provisions of this Act and such person is resisted in, or prevented from obtaining possession of the math, temple

Putting trustee in possession.

¹ Section 78 was substituted by section 10 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

or religious endowment concerned and the records, accounts and properties thereof, the court may on application by the person so appointed and on production of the order of appointment, direct the delivery to such person of the possession of the math, temple or religious endowment and of the records, accounts and properties thereof.]

Saving of established customs and usages.

79. Save as otherwise expressly provided in or under this Act nothing herein contained shall affect any established usage of a math or temple or the rights, honours, emoluments and perquisites to which any person may by custom or otherwise be entitled in such math or temple.

Government not to interfere with religious endowments except as provided by this Act.

80. Save as provided in this or any other Act, it shall not be lawful for the Local Government or for any executive officer of the Local Government in his official capacity to undertake or assume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any math or temple, to take any part in the management or appropriation of any endowment made for its maintenance, or to nominate or appoint the trustee of any religious endowment or to be concerned in any way with any religious endowment.

Court-fees leviable on documents under this Act.

81. (1) Notwithstanding anything contained in the first or second schedule to the Madras Court Fees Amendment Act, 1922, the proper fees for the documents described in columns 1 and 2 of Schedule II shall be the fees indicated in column 3 thereof. Mad. V of 1922.

(2) The provisions of the Madras Court Fees Amendment Act, 1922, shall otherwise, so far as may be, apply to the documents mentioned in Schedule II. Mad. V of 1922.

Grant of copies of proceedings, etc.

¹ [**82.** The President of a Board or committee may grant copies of proceedings or other records of his office on payment of such fees and subject to such conditions as may be determined by the Board. Copies shall be certified by the President of the Board or committee or by such officer as may be authorized in this behalf by the President of such Board or committee, in the manner provided in section 76 of the Indian Evidence Act, 1872.]

Transitory provisions to govern existing committees.

83. (1) Every committee established under the Religious Endowments Act, 1863, which is in existence at the commencement of this Act shall be deemed to have been duly constituted under the provisions of this Act. xx of 1863.

(2) In their application to the members and presidents of committee in office at the commencement of this Act and the first reconstitution of such committees in accordance with this Act, the provisions of this Act shall be read subject to the rules contained in Schedule III.

¹ Section 82 was recast by section 11 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

¹ [84. (1) If any dispute arises as to whether an institution is a math or temple as defined in this Act or whether a temple is an excepted temple, such dispute shall be decided by the Board.

Settlement of dispute as to whether an institution is a math or temple as defined in this Act.

(2) Any person affected by a decision under subsection (1) may, within one year, apply to the court to modify or set aside such decision; but, subject to the result of such application, the order of the Board shall be final.]

85. If any difficulty arises as to first constitution or re-constitution of any committee after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, the Local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

Removal of difficulties in working Act.

SCHEDULE I.

[See section 25.]

Part I—Qualifications of electors.

A person shall be qualified as an elector for an electoral area who has resided in such area for not less than 120 days in the previous year and who—

- (a) was in the previous year assessed by a municipal council or local board to an aggregate amount of not less than twenty rupees in respect of one or more of the following taxes, viz.—
property tax
tax on companies, or
profession tax, or
- (b) was in the previous year assessed to income-tax, or
- (c) is registered as a ryotwari pattadar or as an inamdar of land of which the annual rent value is not less than fifty rupees, or
- (d) holds on a registered lease under a ryotwari pattadar or inamdar land the annual rent value of which is not less than fifty rupees, or
- (e) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land, the annual rent value of which is not less than fifty rupees, or
- (f) is a landholder holding an estate of which the annual rent value is not less than fifty rupees, or
- (g) holds, as a ryot or tenant under a landholder, land the annual rent value of which is not less than fifty rupees.

Part II—Disqualifications of electors.

No person shall be entitled to have his name registered on the electoral roll of an electoral area who is subject to any of the following disqualifications:—

- (a) is not a British subject;

¹ Section 84 was substituted by section 12 of the Madras Hindu Religious Endowments (Amendment) Act, 1930 (Madras Act IV of 1930).

- (b) has been adjudged to be of unsound mind by a competent court; or
 (c) is under twenty-one years of age.

SCHEDULE II.

[See section 81.]

Section. (1)	Description of the document. (2)	Proper fee. (3)
		RS.
43 (2)	Appeal to the committee by any office-holder or servant against an order of punishment by a trustee under sub-section (1) ..	2
43 (3)	Further appeal to the Board by a hereditary office-holder or servant against an order of the committee on appeal under sub-section (2)	2
43 (4)	Appeal to the Board by an office-holder or servant of an excepted temple ..	2
44	Application to court by the trustee to recover the amount from the person in possession or by the person in possession from the person responsible in law	The fee leviable on a plaint for the amount claimed under the Madras Court Fees Amendment Act, 1922.
53 (3)	Appeal to the Board or application to court against an order of suspension, dismissal or removal by the committee of a trustee	
55 (4)	Appeal to the Board by a trustee or person having interest against the order of a committee under sub-section (3) fixing standard scales of expenditure	20
55 (4)	Suit under the sub-section.	50
57 (3)	Suit under the sub-section.	50
57 (4)	Suit under the sub-section.	50

Section. (1)	Description of the document. (2)	Proper fee. (3) RS.
62	Application to the Board by not less than 20 persons having interest for framing a scheme of administration for a math or excepted temple ..	50
63 (4)	Suit under the sub-section.	50
65	Suit under the section ..	50
67 (4)	Suit under the sub-section.	50
67 (5)	Suit under the sub-section.	50
1 [*	* * *	* *
73	Suits under the section ..	50
76 (2)	Application to the court by the trustee of a math or temple or any person having interest for modifying or cancelling any order of the Board sanctioning alienation of immovable property under sub-section (1)	The fee leviable on a plaint under article 17, Schedule II, of the Madras Court Fees Amendment Act, 1922.
77 (2)	Application to a court to modify or set aside an order of the Board under sub-section (1) allocating any endowment, property or the income therefrom to religious and secular purposes	20
78	Application to the court for delivery of possession of endowments to a trustee appointed by the committee	2
84 (2)	Application to modify or set aside the decision of the Board under sub-section (1)	The fee leviable on a plaint under article 17, Schedule II, of the Madras Court Fees Amendment Act, 1922.

¹ The item relating to section 70 (2) was omitted by section 4 of the Madras Hindu Religious Endowments (Amendment) Act, 1931 (Madras Act XI of 1931).

SCHEDULE III.

[See section 83.]

Transitory Provisions.

1. The Local Government shall fix a date, not being later than one year from the commencement of this Act on which the term of office of members of committees holding office at the commencement of this Act shall expire :

Provided that a member who is also the president of a committee shall continue to exercise the functions of a president until a new president is elected under rule 4.

2. Any vacancy in the office of president of a committee which is in existence at the commencement of this Act or which occurs before the date on which a new president is elected under rule 4 shall be filled up under the provisions of this Act; and any vacancy in the office of member of a committee which is in existence at the commencement of this Act or which occurs before the date fixed under rule 1 shall be filled up by appointment by the Local Government :

Provided that any person elected or appointed as president or member under this rule shall hold office only up to the date referred to in rule 1.

3. The president of the committee shall cause arrangements to be made for election of members, so that the newly-elected members may come into office on the date fixed under rule 1 for the expiry of the terms of office of members holding office at the commencement of this Act.

4. On or as soon as may be after such date, a meeting shall be held on a day and at a time fixed by the president for the election of a new president.

MADRAS ACT No. III of 1927.¹

[THE PRESIDENCY SMALL CAUSE COURTS (MADRAS AMENDMENT)
Act, 1927.]

[3rd May, 1927.]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency Town of Madras.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency Town of Madras for the purpose hereinafter appearing; xv of 1882

AND WHEREAS the previous sanction of the Governor-General has been obtained;

¹ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th January 1927—Part IV, page 2.

1927: Mad. Act III.] *Presidency Small Cause Courts* 1705
1927: Mad. Act IV.] *High Court (Jurisdiction Limits)*

It is hereby enacted as follows:—

1. This Act may be called the Presidency Small Cause Short title. Courts (Madras Amendment) Act, 1927.

2. (a) In section 47 of the Presidency Small Cause Courts Amendment of section 47, Act XV of 1882. Act, 1882, for the words 'suit in the High Court against the applicant' the words 'suit against the applicant in the High Court or in the Madras City Civil Court, as the case may be,' shall be substituted; and

(b) In section 49 of the same Act, after the words 'suit in the High Court' the words 'or in the Madras City Civil Court, as the case may be,' shall be inserted. Amendment of section 49, Act XV of 1882.

MADRAS ACT No. IV OF 1927.¹

[THE MADRAS HIGH COURT (JURISDICTIONAL LIMITS)
ACT, 1927.]

[17th May, 1927.]

WHEREAS clause 11 of the Letters Patent for the High Court of Judicature at Madras, dated the 28th December 1865, provides that the said High Court shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor in Council;

AND WHEREAS it is expedient so to declare and prescribe the local limits of the ordinary original civil jurisdiction of the said High Court;

AND WHEREAS the previous sanction of His Excellency the Governor-General has been obtained; It is hereby enacted as follows:—

1. This Act may be called the Madras High Court Short title. (Jurisdictional Limits) Act, 1927.

2. The ordinary original civil jurisdiction of the High Court of Judicature at Madras shall be exercised within the limits set out in the schedule: Limits of ordinary original civil jurisdiction of Madras High Court.

Provided that nothing in this Act shall affect any suit or other legal proceeding pending in any Court at the date of the commencement of this Act.

THE SCHEDULE.

(See section 2.)

The limits within which the ordinary original civil jurisdiction of the High Court shall be exercised are as follows:—

North.—Commencing from the point where the boundary line between Tiruvottiyur village and Tondiarpet village meets the sea, along the boundary line between Tondiarpet village and Tiruvottiyur and Sattankadu villages to the

¹ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 1st February 1927—Part IV, pages 9–10.

point where Sattankadu, Kodungiyur and Tondiarpet villages meet; thence in a south-westerly direction along the boundary line between Kodungiyur and Tondiarpet, so as to include the whole of Tondiarpet village; thence in a westerly direction along the boundary line between the villages of Perambur and Erukkanjeri to the point where Perambur, Erukkanjeri and Sembiyam villages meet.

West.—From the said point in a southerly direction along the western boundary of Perambur village and the eastern boundary of Sembiyam, Siruvallur and Sinna Sembampakkam villages to the south-west corner of Perambur village and thence in an easterly direction along the southern boundary of Perambur village to the point where the villages of Perambur, Purasawakam and Ayanapuram shrotriyam meet so as to include the whole of Perambur village; thence along the boundary line between Purasawakam and Ayanapuram shrotriyam so as to include the whole of Purasawakam village; thence along the boundary line between Egmore village and the villages of Ayanapuram shrotriyam, Amanjikai shrotriyam and Agaramvada so as to include the whole of Egmore village; thence along the boundary line between Nungambakam village and Puliur shrotriyam to the point where the South Indian Railway line enters Nungambakam; thence along the eastern side of the South Indian Railway boundary to the point where it intersects the boundary between Survey No. 170-1 and 2; thence eastwards in a straight line through Survey Nos. 170, 171, 172 and 173 to the junction of Survey Nos. 165, 172 and 173 and continued to meet the south-eastern boundary of Survey No. 173; thence north-westwards along the boundary between Survey No. 173 and Government Farm Survey No. 4 to its intersection with Survey No. 25; thence northwards fifty feet along the calingula and thence eastwards to a point in Survey No. 20 (2) of Mambalam zamindari situated 415 feet from the furlong stone 4-5 on Mount Road on the continuation of the straight line joining the survey stone next the northernmost stone on the north-western side of Survey No. 1 of 179 Government Farm and furlong stone 4-5 on Mount Road; and thence from the said point in Survey No. 20 (2) south-eastwards 500 feet along the above line to the survey stone (above mentioned) and eastward along the northern boundary of Survey No. 1 of 179 Government Farm to the Municipal boundary stone No. 242; thence southward along the western boundary of Survey No. 3885 (channel) to the Municipal boundary stone No. 244; thence in a south-westerly direction to the Municipal boundary stone No. 246; thence across the river Adyar to the Municipal boundary stone No. 247.

South.—From the said point along the southern bank of the river Adyar to the sea.

East.—The sea.

THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS
TAX ACT, 1926.

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PREAMBLE.

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MADRAS ACT No. V OF 1927.¹

[THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS TAX
Act, 1926.]

[12th September, 1927.]

An Act to enable local authorities to impose a tax on
amusements and other entertainments.

WHEREAS it is expedient to give power to local authorities to impose a tax on amusements and other entertainments AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Local Authorities Entertainments Tax Act, 1926. Preamble.
Short title
and extent.

(2) It extends to the City of Madras and to all towns in the Presidency of Madras which have been or may hereafter be declared to be municipalities under the Madras District Municipalities Act, 1920, or any other enactment for the time being in force and the Local Government may, from time to time by notification in the *Fort St. George Gazette*, extend it, at the request of any district board, either permanently or for a time or for specified occasions and from such date as may be specified in the notification, to any other local area in the Presidency of Madras and may cancel or modify any such notification.

Madras Act
V of 1920.

¹ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 15th July 1924—Part IV, pages 116–117.

Provided that no such notification shall be issued in respect of any area included in a cantonment without the previous sanction of the Governor-General in Council.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) ' Admission ' includes admission as a spectator or as one of an audience and admission for the purpose of amusement by taking part in an entertainment;

(2) ' Admission to an entertainment ' includes admission to any place in which the entertainment is held;

(3) ' Agriculture ' includes horticulture and breeding of animals of every description;

(4) ' Entertainment ' includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

(5) ' Gazette ' means the *Fort St. George Gazette* in relation to the Corporation of Madras and the District Gazette in relation to other local authorities;

(6) ' Local authority ' means the Corporation of Madras or a municipal council or a local board constituted under any enactment for the time being in force;

(7) ' Payment for admission ' includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required; and any payment for seats or other accommodation in a place of entertainment;

(8) ' Proprietor ' in relation to any entertainment includes any person responsible for the management thereof; and

(9) ' Society ' includes a company, institution, club or other association of persons by whatever name called.

General provisions regarding the levy of the tax and the rate of the tax.

3. (1) Any local authority in whose local area this Act is in force may levy a tax (hereinafter referred to as the entertainments tax) at a rate not less than ten per cent nor exceeding twenty-five per cent on all payments for admission to any entertainment.

(2) The entertainments tax shall not be leviable where the payment for admission is not more than four annas.

(3) The rate of the entertainments tax in the case of payments for admission to any theatre, cinematograph, exhibition or circus or any other class of entertainments to

which the Local Government may apply this sub-section shall not exceed the following scale:—

- Where the payment excluding the amount of the tax—
- (i) is ¹ [more than four annas] but is less than six annas ... Half an anna.
 - (ii) is six annas or more but is less than twelve annas ... One anna.
 - (iii) is twelve annas or more but is less than one rupee eight annas ... Two annas.
 - (iv) is one rupee eight annas or more but is less than two rupees eight annas ... Four annas.
 - (v) is two rupees eight annas or more but is less than three rupees eight annas ... Eight annas.
 - (vi) is three rupees eight annas or more but is less than four rupees eight annas ... Twelve annas.
 - (vii) is four rupees eight annas or more but is less than six rupees eight annas ... One rupee.
 - (viii) is six rupees eight annas or more but is less than nine rupees eight annas ... One rupee eight annas.
 - (ix) is nine rupees eight annas or more but is less than ten rupees ... Two rupees.
 - (x) is ten rupees or more—for the first ten rupees and for every ten rupees or part of ten rupees over ten rupees ... Two rupees.

(4) On the application of the proprietor of any entertainment, the local authority may, subject to such general rules as may be framed in this behalf, compound the tax payable in respect of such entertainment for a consolidated payment.

(5) Where the place of entertainment is situated in the local area of one local authority but within five miles of the local area of another local authority where this Act is in force, the Local Government may, on the application of the latter authority and if satisfied that a substantial portion of the income is derived ²[or is likely to be derived] from its local

¹ These words were substituted for the words "more than two annas" by section 2 (i) of the Madras Local Authorities Entertainments Tax (Amendment) Act, 1933 (Madras Act X of 1933).

² These words were inserted by section 2 (i) of the Madras Local Authorities Entertainments Tax (Amendment) Act, 1934 (Madras Act IX of 1934).

area, direct that the ¹ [entertainments tax be levied] by either authority and the proceeds thereof be apportioned between them in such proportions as the Local Government may determine by general or special order or by rules made in this behalf:

Provided that if ²[this Act] is not in force in the local area in which the place of entertainment is situated, the local authority of such area shall not be ³ [directed to levy] the tax:

⁴ [Provided further that in cases of urgency, an application under this sub-section may be made on behalf of the local authority concerned by the Commissioner in the case of the Corporation of Madras, by the executive authority in the case of any other municipality and by the president in the case of a local board. A report of such application having been made shall be made to the local authority at its next meeting.]

Admission of
persons to
entertain-
ments sub-
ject to tax.

4. (1) No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax except

(a) with a ticket stamped with an embossed or adhesive stamp (not previously used) issued by the Local Government and indicating the proper fee for such ticket; or

(b) in special cases with the approval of the local authority through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the proprietor of the entertainment has made arrangements approved by the local authority for furnishing returns of the payments for admission to the entertainment and has given security approved by the local authority for the payment of the entertainments tax.

(2) Nothing in sub-section (1) shall be deemed to preclude the local authority from requiring security from the proprietor of an entertainment for the payment of the entertainments tax in any other case.

Manner of
payment of
tax.

5. (1) The entertainments tax shall be charged in respect of each person admitted for payment and, in the case of admission by stamped ticket, shall be paid by means of the

¹ These words were substituted for the words "entertainments tax be collected" by section 2 (ii) of the Madras Local Authorities Entertainments Tax (Amendment) Act, 1933 (Madras Act X of 1933).

² These words were substituted for the words "the Act" by Section 2 (iii) *ibid.*

³ These words were substituted for the words "directed to collect" by section 2 (iii) *ibid.*

⁴ This proviso was added by section 2 (ii) of the Madras Local Authorities Entertainments Tax (Amendment) Act, 1934 (Madras Act IX of 1934).

stamp on the ticket and in the case of admissions otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, the entertainments tax shall be paid on the amount of the lump sum, but where the local authority is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment or covers admission to an entertainment during any period during which the tax has not been in operation, the tax shall be charged on such an amount as appears to the local authority to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

6. If any person is admitted for payment to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction by a magistrate, be liable in respect of each such offence to a fine not exceeding two hundred rupees, and shall in addition be liable to pay any tax which should have been paid.

Penalty for
non-pay-
ment of tax.

7. (1) The entertainments tax shall not be charged on payments for admission to any entertainment—

Entertain-
ments ex-
empted from
payment of
tax.

- (a) which is of a wholly educational character; or
- (b) which is provided partly for educational or scientific purposes by a society not conducted or established for profit; or

- (c) which is provided by a society established solely for the purpose of promoting public health or the interest of agriculture or a manufacturing industry and not conducted for profit, and which entertainment consists solely of an exhibition of articles which are of material interest in connexion with questions relating to public health or agriculture or of the products of the industry for promoting the interests of which the society exists or of the materials, machinery, appliances, or foodstuffs used in the production of these products; or

- (d) the whole of the net proceeds of which is devoted to philanthropic, religious or charitable purposes.

(2) Any dispute as to whether an entertainment is of the character referred to in any of the clauses of sub-section (1) shall be referred to the Local Government whose decision shall be final.

(3) The Local Government may by general order exempt any class of entertainment from liability to entertainments tax, and may, in consultation with the local authority concerned, by special order exempt any particular entertainment from liability to the tax. The local authority shall also have power to grant exemption in any other case subject to the sanction of the Local Government.

Manner of
recovery of
tax and
fines under
the Act.

8. (1) Any amount due on account of the entertainments tax may be recovered by the local authority in the same manner as the profession tax payable to such local authority.

(2) Any fine imposed under this Act or rules or by-laws made thereunder shall be recovered in the manner provided in the Code of Criminal Procedure for the recovery of fines and shall on recovery be paid to the local authority concerned to be applied for the general purposes of such authority. Act V of 1898.

Inspection
by local
authority.

9. (1) Any officer authorized by the local authority concerned for the purpose may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Act or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorized, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorized under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Delegation
of powers
by Local
Government.

10. The Local Government may, by notification, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority.

Powers of
Local
Government
to make
rules.

11. (1) The Local Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power they may make rules:

- (a) for the supply and use of stamps or stamped or embossed tickets or for the stamping or embossing of tickets sent to be stamped or embossed and for securing the defacement of stamps when used;
- (b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon and for the payment of the tax on the

transfer from one part of a place of entertainment to another and on payment for seats or other accommodation;

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances;

(d) for the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of section 3, sub-section (4), are applied or in respect of which the arrangements approved by the local authority for furnishing returns are made under section 4;

(e) for the renewal of damaged or spoiled stamps;

(f) for the keeping of account of all stamps used under this Act;

(g) for the presentation and disposal of applications for exemption from payment of the entertainments tax; and

(h) for the apportionment of the tax between local authorities.

(3) In making any rule the Local Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

12. (1) Any local authority may make by-laws not inconsistent with this Act or any rules *thereunder* made—

Powers of
local
authority
to make
by-laws.

(a) for the regulation of the time and place of holding an entertainment and supervision thereof;

(b) for the regulation of the time and mode of collecting the tax under this Act;

and, in general, for carrying out the purposes of this Act.

(2) In making a *by-law* the local authority may provide that a breach thereof shall be punishable with fine which may extend to fifty rupees and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach.

(3) All such by-laws shall have effect when they have been approved and confirmed by the Local Government and published in the Gazette.

- 1714 *Planters Labour (Repealing)* [1927: Mad. Act. VI.
Hindu Religious Endowments [1928: Mad. Act I.
Prevention of adulteration [1928: Mad. Act II.

MADRAS ACT No. VI OF 1927.¹

[THE MADRAS PLANTERS LABOUR (REPEALING) ACT, 1927.]

[6th December, 1927.]

Preamble. WHEREAS it is expedient to repeal the Madras Planters Labour Act, 1903, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title. 1. (a) This Act may be called the Madras Planters Labour (Repealing) Act, 1927.

Commence-ment. (b) It shall come into force on the 1st day of January 1929.

Repeal of Madras Act I of 1903. 2. The Madras Planters Labour Act, 1903, is hereby repealed.

MADRAS ACT No. I OF 1928.²

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS (AMENDMENT) ACT, 1927.]

[14th February, 1928.]

An Act to amend the Madras Hindu Religious Endowments Act, 1926.

Preamble. WHEREAS it is expedient to amend the Madras Hindu Religious Endowments Act, 1926; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Hindu Religious Endowments (Amendment) Act, 1927.

Amendment of section 22 of Madras Act II of 1927. 2. To section 22 of the Madras Hindu Religious Endowments Act, 1926 (hereinafter referred to as the said Act) the following proviso shall be added, viz.:—
[Vide p. 1671.]

MADRAS ACT No. II OF 1928.³

[THE MADRAS PREVENTION OF ADULTERATION (AMENDMENT) ACT, 1927.]

[21st February, 1928.]

An Act to amend the Madras Prevention of Adulteration Act, 1918.

Preamble. WHEREAS it is expedient to amend the Madras Prevention of Adulteration Act, 1918; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Prevention of Adulteration (Amendment) Act, 1927.

¹ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 22nd February 1927—Part IV page 54.

² For statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th October 1927—Part IV, page 100.

³ For statement of Objects and Reasons see *Fort St. George Gazette*, dated 25th January 1927—Part IV, page 5.

Madras Act II of 1927.

Madras Act II of 1927.

Madras Act III of 1918.

Madras Act
III of 1918.

2. In section 2 of the Madras Prevention of Adulteration Act, 1918 (hereinafter referred to as the said Act), after the definition of "food" the following definitions shall be inserted, namely:—

Amendment
of section 2
of Madras
Act III of
1918.

[*Vide p. 783.*]

3. In section 5 of the said Act,—

Amendment
of section 5
of Madras
Act III of
1918.

(a) in sub-section (1)—

(i) for the words "manufactures for sale or offers for sale" the words "manufactures, stores or offers for sale" shall be substituted;

(ii) for clause (d) the following clause shall be substituted, namely:—

[*Vide p. 784.*]

and

(iii) in paragraph (iii) of the proviso, for the words "Governor in Council" the words "Local Government" shall be substituted; and

(b) in sub-section (2), for the words "who is in the habit of manufacturing like articles of food, has been manufactured for sale" the following shall be substituted, namely:—

[*Vide p. 785.*]

4. In section 20 of the said Act,—

Amendment
of section 20
of Madras
Act III of
1918.

[*Not printed. See p. 789.*]

MADRAS ACT No. III of 1928.¹

[THE TUTICORIN PORT TRUST (AMENDMENT) ACT, 1927.]

[*21st February, 1928.*]

An Act to amend the Tuticorin Port Trust Act, 1924.

WHEREAS it is expedient to amend the Tuticorin Port Trust Act, 1924; It is hereby enacted as follows:—

Madras Act
II of 1924.

1. This Act may be called the Tuticorin Port Trust (Amendment) Act, 1927.

Short title.

Madras Act
II of 1924.

2. In sub-section (1) of section 6 of the Tuticorin Port Trust Act between the words "Tuticorin Chamber of Commerce" and "and two by the members for the time being of the Tuticorin Municipal Council" insert the following words "three by the members for the time being of the

Amendment
of section 6
of Madras
Act II of
1924.

¹ For Statement of Objects and Reasons see *Port St. George Gazette*, dated 22nd March 1927—Part IV, page 56.

Indian Chamber of Commerce, Tuticorin," and for the words " at a meeting of the Chamber or Council " substitute " at meetings of the Chambers and Council ".

MADRAS ACT No. IV of 1928.¹

[THE MADRAS CHRISTIAN MARRIAGES VALIDATION ACT, 1928.]

[27th March, 1928.]

An Act to validate certain marriages solemnized by certain members of the American Baptist Telugu Mission, Nellore district.

Preamble.

WHEREAS licences were granted by the Local Government to Messrs. Onukuri Nagayya, Gundham Guravayya and Puli-koory Joshua, all of the American Baptist Telugu Mission, Nellore district (hereinafter referred to as the said Mr. Nagayya, the said Mr. Guravayya and the said Mr. Joshua respectively), under section 9 of the Indian Christian Marriage Act, 1872, on the dates specified against their names in the XV of 11 second column of the schedule;

AND WHEREAS the said licences were revoked by the said Government on the dates specified against their names in the third column of the schedule;

AND WHEREAS after the date of the said revocation, the said Mr. Nagayya, the said Mr. Guravayya and the said Mr. Joshua continued to solemnize marriages and to grant certificates of marriage as if the said licences had not been revoked;

AND WHEREAS fresh licences have been granted to the said Mr. Nagayya, the said Mr. Guravayya and the said Mr. Joshua under the said section 9 on the dates specified against their names in the fourth column of the schedule;

AND WHEREAS it is doubtful whether the marriages solemnized by the said Mr. Nagayya, the said Mr. Guravayya and the said Mr. Joshua and the certificates granted and the other acts done by them in virtue of the said revoked licences on and from the dates specified against their names in the third column of the schedule up to and including the dates specified against their names in the fourth column thereof are legally valid;

AND WHEREAS there is no reason to doubt that the parties to the said marriages believed in good faith that the said Mr. Nagayya, the said Mr. Guravayya or the said Mr. Joshua, as the case may be, was legally entitled to act on his said revoked licence on the dates of their respective marriages;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 13th December 1927—Part IV, pages 146-147.

AND WHEREAS it is expedient that all such marriages, certificates and acts on and between the dates specified in the said third and fourth columns should be validated;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Christian Mar- Short title.
riages Validation Act, 1928.

2. All marriages solemnized, all certificates granted and all acts done by the said Mr. Nagayya, the said Mr. Gura- Validation of
vayya and the said Mr. Joshua on and from the dates specified certain irreg-
against their names in the third column of the schedule up- ular marria-
to and including the dates specified against their names in ges, certifi-
the fourth column of the schedule which would be valid if the cates and
licences granted to them on the dates specified against their acts.
names in the second column of the schedule had not been
revoked shall be deemed to be as valid as if they had held
licences under section 9 of the Indian Christian Marriage
Act, 1872, on and between the dates specified in the said third
and fourth columns and no such marriage, certificate or act
shall be deemed to be invalid by reason only of the fact that
the said licences were revoked.

XV of 1872.

3. Certificates of marriages to which section 2 applies and Validation
register books and certified copies of true and duly authenti- of records of
cated extracts therefrom deposited in compliance with the the said
provisions of the Indian Christian Marriage Act, 1872, shall, irregular
in so far as the register books and extracts relate to such marriages.
marriages, be received as evidence of such marriages as if such
marriages had been duly solemnized under the said Act.

XV of 1872.

THE SCHEDULE.

The name of the licensee.	The date on which the original licence was granted.	The date on which the licence mentioned in the second column was revoked.	The date on which a fresh licence was issued.
(1)	(2)	(3)	(4)
Onukuri Nagayya.	30th day of January 1907.	28th day of January 1925.	30th day of May 1927.
Gundham Gura- vayya.	18th day of November 1911.	Do.	22nd day of June 1927.
Pulikoory Joshua.	26th day of May 1921.	Do.	30th day of May 1927.

MADRAS ACT No. V OF 1928.¹

[THE JAGGAMPETA A AND D ESTATES IMPARTIBLE ESTATES
 ACT, 1928.]

[19th June, 1928.]

An Act to declare the Jaggampeta A and D Estates to be
 impartible within the meaning of the Madras Impart-
 ible Estates Act II of 1904.

Preamble. WHEREAS it is expedient to declare that the Jaggampeta A
 and D Estates are impartible and that the Proprietors thereof
 cannot exercise unrestricted powers of alienation over the
 same;

AND WHEREAS the previous sanction of the Governor-
 General has been obtained to the passing of this Act; It is
 hereby enacted as follows:—

Short title. 1. This Act may be called “ The Jaggampeta A and D
 Estates Impartible Estates Act, 1928.”

Jaggampeta A and D Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904. 2. Notwithstanding any decision of Court, rule of law or
 enactment to the contrary, the Jaggampeta A and D Estates,
 in the district of East Godavari are hereby declared to be
 impartible estates within the meaning of the Madras Impar-
 tible Estates Act, II of 1904, and shall, in the hands of their
 present owner as well as her heirs and successors, be subject
 to the provisions of that Act. Madras Act
 II of 1904.

Saving. 3. This Act shall not affect any alienation made or debt
 incurred before the commencement of this Act.

MADRAS ACT No. VI OF 1928.²

[THE MADRAS CHILDREN (AMENDMENT) ACT, 1928.]

[19th June, 1928.]

An Act further to amend the Madras Children Act, 1920.

Preamble. WHEREAS it is expedient to further amend the Madras Madras Act
 IV of 1920.
 Children Act, 1920;

AND WHEREAS the previous sanction of the Governor-
 General has been obtained to the passing of this Act; It is
 hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Children (Amend-
 ment) Act, 1928.

Amendment of section 35 of Madras Act IV of 1920. 2. For sub-section (2) of section 35 of the Madras Children Madras Act
 IV of 1920.
 Act, 1920, the following sub-sections shall be substituted:—
 [Vide pp. 983-984.]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 7th February 1928—Part IV, pages 8-10.

² For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 17th January 1928—Part IV, pages 2-3.

MADRAS ACT No. VII OF 1928.¹

[THE MAPPILLA WILLS ACT, 1928.]

[19th June, 1928.]

An Act to define the Law relating to Wills by Mappillas.

WHEREAS it is expedient to define the law relating to **Preamble.**
 testamentary dispositions by Mappillas governed by the
 Marumakkattayam or the Aliyasantana Law of Inheritance;

AND WHEREAS the previous sanction of the Governor-
 General has been obtained to the passing of this Act; It is
 hereby enacted as follows:—

1. This Act may be called the Mappilla Wills Act, 1928. **Short title.**

2. (i) It shall come into force on the 1st day of January **Commence-**
 1929. **ment.**

(ii) It extends to the whole of the Presidency of **Extent.**
 Madras.

(iii) It applies to testamentary dispositions by Map- **Persons to**
 pillas governed by the Marumakkattayam or the Aliyasanta- **whom and**
 tana Law of Inheritance in respect of property which, but **properties to**
 for such testamentary disposition, would devolve in accord- **which this**
 ance with the provisions of the Mappilla Succession Act, **Act is**
 1918. **applicable.**

Madras Act
I of 1918.

3. Testamentary dispositions to which this Act applies, **Testament-**
 shall be governed by the Muhammadan Law relating to wills **ary disposi-**
 and not by the Malabar Wills Act, 1898. **tions by**
Mappillas to
be governed
by this Act
and not by
Madras Act
V of 1898.

Madras Act
V of 1898.

MADRAS ACT No. VIII OF 1928.²[THE MADRAS STATE AID TO INDUSTRIES (AMENDMENT)
ACT, 1928.]

[18th December, 1928.]

An Act to amend the State Aid to Industries Act, 1922.

WHEREAS it is expedient to amend the Madras State Aid **Preamble.**
 to Industries Act, 1922; It is hereby enacted as follows:—

1. This Act may be called “The Madras State Aid to **Short title.**
 Industries (Amendment) Act, 1928.”

Madras Act
V of 1923.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 8th November 1927—Part IV, p. 137.

² For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 31st January 1928—Part IV, p. 6.

Insertion of new section 14-A in Madras Act V of 1923. 2. After section 14 of the Madras State Aid to Industries Act, 1922 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—
[*Vide p. 1491.*]

Amendment of section 19, Madras Act V of 1923. 3. After clause (14) of sub-section (b) of section 19 of the said Act, the following clause shall be inserted, namely:—
[*Vide p. 1493.*]

Amendment of section 19, Madras Act V of 1923. 4. The word “ and ” at the end of clause (13) of sub-section (b) of section 19 of the said Act shall be omitted, and the word “ and ” shall be inserted at the end of clause (14) of sub-section (b) of section 19 of the said Act.

THE ANNAMALAI UNIVERSITY ACT, 1928.

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MADRAS ACT No. I of 1929.¹

[THE ANNAMALAI UNIVERSITY ACT, 1928.]

[1st January, 1929.]

An Act to establish and incorporate a Teaching and Residential University at Annamalainagar.

WHEREAS it is desirable to establish a Teaching and Residential University for the encouragement of higher education and research in the Tamil districts of the Presidency of Madras;

AND WHEREAS the Hon'ble Diwan Bahadur Sir S. R. M. Annamalai Chettiyar has established and is maintaining Colleges at and near Chidambaram in which higher instruction is imparted in English, Tamil and Sanskrit studies;

AND WHEREAS the said Sir Annamalai Chettiyar has agreed with the Local Government to hand over the said institutions together with all the properties attached thereto and further to give a sum of twenty lakhs of rupees for the purpose of establishing and maintaining at Annamalai-nagar a Teaching and Residential University wherein he and his heirs shall be entitled to certain powers and privileges;

It is hereby enacted as follows:—

1. (1) This Act may be called The Annamalai University Act, 1928. Short title and commencement.

(2) This section shall come into force at once. The rest of this Act shall come into force on such date or dates as the Local Government may, by notification, in the *Fort*

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* dated 28th August 1928—Part IV, pp. 49-51.

St. George Gazette, appoint; and different dates may be so appointed for different provisions of this Act.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context:—

(a) 'Annamalainagar' means the area described in Schedule;

(b) 'Convocation' means any meeting of the University for the conferring of degrees, diplomas or other distinctions;

(c) 'Founder' means the Hon'ble Diwan Bahadur Sir S. R. M. Annamalai Chettiyar, and after him his son, Mr. M. A. Muthiah Chettiyar, and for all time after the lives of the said two persons, in respect of every vacancy, any adult male member chosen by the Chancellor from among the members of the said Sir Annamalai Chettiyar's family consisting of his other sons and his descendants tracing their descent through males, and if no such member exists or if one such exists and he does not consent to act as Founder, or if no such member is competent in the opinion of the Chancellor to act as Founder, then and until such a competent member comes into existence and is willing to act, or one who was not competent becomes competent an adult male member of the said family chosen by the Chancellor from among the said Sir Annamalai Chettiyar's descendants tracing their descent from him through a female or females.

Provided that in any case of a person who traces his descent from the said Sir Annamalai Chettiyar through a female or females, such person shall hold office only till a member of the said Sir Annamalai Chettiyar's family claiming through males is chosen by the Chancellor.

For the purpose of this definition (i) any person adopted into the said family and his descendants shall be deemed to be members of the family, and (ii) no one born in the said family but adopted out of it shall be deemed to be a member thereof except Ramanathan Chettiyar, son of the said Sir Annamalai Chettiyar, but given in adoption to his brother Diwan Bahadur Ramaswami Chettiyar deceased and those tracing descent from the said Ramanathan Chettiyar.

(d) 'Hostel' means a place of residence for students of the University maintained or recognized by it in accordance with the provisions of this Act;

(e) 'Prescribed' means prescribed by this Act or the statutes or the regulations framed thereunder;

- (f) 'Teachers' means Professors, Readers, Lecturers, Tutors and such other persons as give instruction to or take part in the training of, the students of the University in the prescribed manner; and
- (g) 'University' means the Annamalai University at Annamalainagar constituted under this Act.

3. The purposes and powers of the University shall be the following, namely:—

Purposes
and powers
of the
University.

- (a) to provide—
- (i) for instruction in such branches of learning as the University may think fit including professional studies and technology and
 - (ii) for research and the advancement and dissemination of knowledge;
- (b) to grant and confer degrees and other academic distinctions to and on persons who shall have
- (i) pursued a course of study in the University and shall have passed the examinations of the University in the manner prescribed or
 - (ii) carried on research under conditions prescribed;
- (c) to supervise and control the residence and discipline of the students of the University;
- (d) to establish and maintain hostels, and under prescribed conditions, to recognise hostels not so established or maintained, and to withdraw such recognition;
- (e) to create such posts as are required for the University and appoint persons thereto;
- (f) to provide, in the manner prescribed, lectures and instruction for persons who are not pursuing a course of study in the University, and to grant diplomas to them;
- (g) to confer honorary or *ad eundem* degrees or other distinctions in the manner prescribed;
- (h) to institute and award fellowships, including travelling fellowships, scholarships, medals and prizes in the manner prescribed;
- (i) to demand and receive such fees and other charges as may be prescribed;
- (j) to co-operate with other Universities and authorities for promoting the purposes of this Act;
- (k) to enter into agreements with other bodies or persons for the purpose of promoting the purposes of this Act including the assuming of the management of any institution under them and the taking over of its properties and liabilities; and

(1) to do such other acts and things, whether incidental to the purposes and powers aforesaid or not but not inconsistent therewith, as may be requisite to further the purposes and objects of this Act.

Territorial jurisdiction of University.

4. Save as otherwise provided in this Act, the territorial jurisdiction of the University shall not extend beyond a radius of ten miles from its Convocation Hall which shall be situated in Annamalainagar. Notwithstanding any provision in any other law for the time being in force, no educational institution beyond that limit shall form part of or be recognized by or admitted to the privileges of the University and no such institution within that limit shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in British India, and any such recognition granted by any such other University to any such institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act:

Provided that, if the Local Government so order, nothing in this section shall apply to any institution established or maintained by the University for imparting instruction in agriculture or other technological studies.

University open to all classes and creeds.

5. No person shall be excluded from membership of any of the authorities of the University, or from admission to any degree or course of study, on the sole ground of sex, race, creed, class, caste or political belief, and it shall not be lawful for the University to adopt or impose, on any person, any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a student or to hold any office or appointment therein or to graduate thereat or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University such test is made a condition thereof.

Admission to the University.

6. The University may hold examinations for regulating admission thereto or may with the previous sanction of the Governor-General in Council recognize examinations of other Universities or bodies as suitable for the purpose; but it shall not maintain classes for the purpose of preparing students for such admission.

Residence of students.

7. Every person pursuing a course of studies for any examination except the entrance examination and for any degree or diploma of the University except those referred to in clauses (f) and (g) of section 3 shall reside in a hostel or lodgings maintained or recognized by the University.

8. The following shall be the officers of the University, namely:—

Officers of
the University.

- (1) The Chancellor,
- (2) The Founder,
- (3) The Pro-Chancellor,
- (4) The Vice-Chancellor,
- (5) The Registrar,
- (6) The Deans of Faculties, and
- (7) Such other persons as may be declared by the Statutes to be officers of the University.

9. (1) The Governor of Fort St. George shall be the Chancellor of the University. He shall by virtue of his office be the head of the University and shall when present, preside at meetings of the Senate and at Convocations.

The Chancellor.
His powers.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

(3) The Chancellor shall be entitled to delegate all or any of his functions to the Pro-Chancellor.

10. (1) The Founder shall be the Pro-Chancellor of the University.

The Pro-Chancellor.
His powers.

(2) The Pro-Chancellor shall in the absence of the Chancellor preside at meetings of the Senate and at Convocations and shall also exercise such other powers as may be conferred on him under the provisions of this Act.

(3) If for any reason the office of the Pro-Chancellor is vacant, the functions of the said office shall be carried on by the Chancellor or by any person authorized by him to do so.

11. (1) The Founder shall hold office for life unless otherwise expressly provided for in this Act.

The Founder.
His powers.

(2) The Founder may require the Vice-Chancellor to furnish him with information and all papers or copies thereof relating to any matter concerning the University. The Founder may also request further consideration of the matter by the authorities or officers concerned or place his views thereon before the Chancellor for his consideration, or may do both.

(3) The Founder shall also exercise such other privileges as are conferred on him under the provisions of this Act.

12. (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Founder. He shall, in the absence of special orders by the Chancellor prescribing a shorter period, hold office for a term of three years from the date of the notification of his appointment in the *Fort St. George Gazette*.

The Vice-Chancellor.

(2) The Vice-Chancellor may either be an honorary officer or be paid such salary as may be prescribed.

(3) When any vacancy occurs in the office of Vice-Chancellor, the Syndicate shall, as soon as possible, appoint one of its own members to exercise the powers and perform the duties of the Vice-Chancellor during the continuance of the vacancy.

**Powers and
duties of the
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall be the principal executive officer of the University and shall, in the absence of the Chancellor and Pro-Chancellor, preside at meetings of the Senate and at Convocations. He shall ex officio be a member and the Chairman of the Academic Council and of the Syndicate.

(2) The Vice-Chancellor shall in the manner prescribed convene meetings of the Senate, the Academic Council and the Syndicate.

(3) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action and shall immediately thereafter report his action to the authority or officer which or who would have ordinarily dealt with the matter and such authority or officer may confirm, alter or quash such action.

(4) The Vice-Chancellor shall have the power to appoint the clerical staff and other servants of the University.

(5) The Vice-Chancellor shall exercise such other powers as may be prescribed.

**Authorities
of the
University.**

14. The following shall be the authorities of the University, namely:—

- (1) The Senate,
- (2) The Academic Council,
- (3) The Faculties,
- (4) The Boards of Studies,
- (5) The Syndicate,
- (6) The Finance Committee (for the period fixed under this Act),
- (7) The Board of Selection,
- (8) Such other bodies as may be declared by the Statutes to be authorities of the University.

**Constitution
of the
Senate.**

15. The Senate shall consist of the following persons, namely:—

CLASS I—EX OFFICIO MEMBERS.

- (1) The Chancellor,
- (2) The Pro-Chancellor,
- (3) The Vice-Chancellor,
- (4) The Director of Public Instruction, Madras,

- (5) The Chairman of the Chidambaram Municipal Council,
- (6) The President of the District Board, South Arcot.
- (7) Heads of departments of studies in the University,
- (8) The Vice-Chancellors of the Madras and Andhra Universities,
- (9) The Collector of South Arcot,
- (10) The Advocate-General, Madras,
- (11) Members of the Syndicate who are not otherwise members of the Senate,
- (12) The Diwan of Pudukkottai.

CLASS II—LIFE MEMBERS.

- (1) Ex-Vice-Chancellors of the University.
- (2) All persons who make a donation of not less than twenty-five thousand rupees to and for all or any of the purposes of the University, and agree to such terms as the Syndicate may impose for the management of the said amount. In case the donor is a corporate body or a firm or a joint family or an association, the individual who shall be entitled to this life membership shall be determined in the manner prescribed.

CLASS III—OTHER MEMBERS.

- (1) Twelve members elected from among themselves by graduates of the University registered in the manner prescribed, according to the principle of proportional representation by means of the single transferable vote:

Provided that during the first ten years after this section comes into force, the twelve members shall be elected according to the same principle by

- (i) the graduates of the University,
 - (ii) the graduates of the University of Madras from the Sri Minakshi College at Chidambaram, and
 - (iii) the graduates of not less than seven years' standing of the University of Madras, other than those from the Sri Minakshi College at Chidambaram, residing in the manner prescribed in the districts of Madras, Chingleput, North Arcot, South Arcot, Salem, Coimbatore, the Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevely and in the State of Pudukkottai.
- (2) Four members elected by the Academic Council from among its members according to the principle of proportional representation by means of the single transferable vote,

- (3) Five members elected by the Madras Legislative Council from among its members according to the principle of proportional representation by means of the single transferable vote,
- (4) Such number of members not exceeding six, as the Chancellor may fix, to be elected by the donors of sums of not less than ten thousand rupees each to and for all or any of the purposes of the University and agree to such terms as the Syndicate may impose for the management of the said amounts,
- (5) Eight members nominated by the Chancellor at least three of whom shall be representatives of depressed, backward or minority classes not otherwise adequately represented,
- (6) Four members nominated by the Founder,
Provided that, if the office of the Founder is vacant on the date on which the nomination is to be made, and there is no likelihood in the opinion of the Chancellor of the vacancy being filled up within six months from that date, the Chancellor shall nominate the said four members,
- (7) One member elected by the members of the District Board, South Arcot district, from among themselves,
- (8) One member elected by the Municipal Councillors of the South Arcot district other than the Municipal Councillors of Chidambaram from among themselves,
- (9) One member elected by the Municipal Councillors of Chidambaram from among themselves,
- (10) One member elected by the members of the Sri Nandanar Kalvi Khazhagam, Chidambaram, from among themselves,
- (11) One member elected by the general body of the Muhammadan Educational Association of Southern India from among its members,
- (12) One member elected from among themselves by those engaged in teaching in any manner, on the staff of the Sanskrit College, Tiruvadi, the Rameswaram Sanskrit Patasala, Madura, and the Sri Minakshi Sanskrit College, Chidambaram,
- (13) One member elected from among themselves by the members of the Madura Tamil Sangam.
- (14) One member elected from among themselves by the members of the Tanjore Karanthai Tamil Sangam and the teaching staff of the Sri Minakshi Tamil College, Chidambaram,
- (15) One member elected by the Southern India Chamber of Commerce and one by the Madras Chamber of Commerce,
- (16) One member elected by the Madras Landholders' Association.

16. The Senate shall be the supreme governing body of the University and shall have the following powers, namely:— Powers and duties of the Senate.

- (1) to make statutes and amend or repeal the same,
- (2) to consider and pass resolutions on the annual reports and the annual accounts which resolutions shall be communicated to the Syndicate who shall take action in accordance therewith,
- (3) to consider and pass resolutions on the annual financial estimates which resolutions shall, after the period of tenure of the Finance Committee, be communicated to the Syndicate who shall take action in accordance therewith,
- (4) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the statutes, and
- (5) to do all acts and things necessary to give effect to the provisions of this Act.

17. The Academic Council shall consist of the following persons, namely:— Constitution of the Academic Council.

CLASS I—EX OFFICIO MEMBERS.

- (1) The Vice-Chancellor,
- (2) The Director of Public Instruction, Madras,
- (3) The Professors and Readers of the University,
- (4) The Chairman of the Boards of Studies,
- (5) The Members of the Syndicate who are not otherwise members of the Academic Council.

CLASS II—OTHER MEMBERS.

- (1) Ten members, of whom not less than five shall be teachers other than Professors and Readers, elected by such teachers,
- (2) Five members elected by the Senate from among its members, provided that no one who is already a member of the Academic Council shall be eligible for election under this item.

18. The Academic Council shall have the control and regulation of residence, teaching and examinations in the University and the maintenance of the standards thereof, shall have the following powers and shall perform the following duties, namely:— Powers and duties of the Academic Council.

- (a) To make proposals to the Syndicate for the institution of professorships, readerships, lectureship or other teaching posts,
- (b) to make regulations for purposes hereinafter specified,

- (c) to make recommendations to the Syndicate for the recognition of teachers qualified to give instruction in hostels not maintained by the University,
- (d) to formulate, modify or revise, subject to the control of the Senate, schemes for the constitution or reconstitution of faculties and departments of studies, and
- (e) to do such other things and perform such other duties as may be prescribed by the statutes.

The Faculties.

19. (1) The University shall include Faculties of Arts, Science, Technology and Oriental Studies and such other Faculties as may be prescribed and each such Faculty shall be constituted in the manner prescribed.

(2) Each Faculty shall have a Dean. He shall be elected by the Faculty from among the heads of departments of the Faculty and shall be responsible for the due observance of the statutes and regulations relating to the Faculty. He shall hold office for such period and subject to such conditions as may be prescribed by the statutes.

(3) Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Academic Council, have charge of the teaching, courses of study and research work in such departments. The head of every department of study shall be the Professor of that department, or if there is no Professor, the Reader. If there is more than one Professor or more than one Reader in a department, as the case may be, the Vice-Chancellor shall appoint such Professor or Reader as he thinks fit to be the head of the department. The head of the department shall be responsible to the Dean for the organization of the teaching in that department.

Boards of Studies.

20. The number, constitution and duties of the Boards of Studies shall be such as may be prescribed.

Constitution of the Syndicate.

21. The Syndicate shall consist of the following persons, namely:—

CLASS I—EX OFFICIO MEMBERS.

- (1) The Vice-Chancellor,
- (2) The Director of Public Instruction, Madras,
- (3) The Deans of Faculties.

CLASS II—OTHER MEMBERS.

- (1) Three members elected by the Senate from among its members,
- (2) One member elected by the Academic Council from among its members,
- (3) Two members nominated by the Chancellor,

- (4) Two members nominated by the Founder, provided that, if the office of the Founder is vacant on the date on which the nomination is to be made and there is in the opinion of the Chancellor no likelihood of the vacancy being filled up within one month from that date the Chancellor shall nominate the said two members.

22. The Syndicate shall have the following powers and perform the following duties, namely:—

Powers and
duties of the
Syndicate.

- (a) to control and administer the property and the funds of the University,
- (b) to direct the form, custody and use of the common seal of the University,
- (c) to suspend or dismiss the Registrar, the teachers, the clerical staff and other servants of the University for sufficient cause and to define their duties and the conditions of their service,
- (d) to accept on behalf of the University bequests, donations and transfers of any movable or immovable properties or the management thereof,
- (e) to arrange for the holding of and publish the results of the University examinations and in the prescribed manner to appoint examiners and cancel their appointment,
- (f) to regulate and determine all matters concerning the University in accordance with this Act and the statutes and regulations,
- (g) to institute, subject to the control of the Senate, and abolish or suspend on the advice of the Academic Council, professorships and other teaching posts,
- (h) to refer any matter to the Academic Council, a Faculty or a Board of Studies for consideration and report,
- (i) to draft such statutes and regulations as may from time to time be necessary and to submit them to the Senate and the Academic Council respectively for consideration,
- (j) to dispense, subject to statutes made in this behalf, with a strict compliance with the regulations of the University in special cases,
- (k) to make standing orders in such manner and on such matters as may be prescribed, and
- (l) to do such other things and perform such other duties as may be prescribed.

23. The Finance Committee shall consist of the following persons, namely:—

Constitution
of the
Finance
Committee.

- (1) The Secretary to the Government of Madras in charge of Finance,

- (2) The Founder, and, in case the office is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy,
- (3) The Vice-Chancellor,
- (4) One member elected by the Senate from among its members, provided that no one who is already a member of the Syndicate shall be eligible for election under this clause.

Powers and duties of the Finance Committee. 24. (1) The Syndicate shall, in the manner prescribed, frame the financial estimates of the University and place the same before the Finance Committee.

(2) The Finance Committee shall then scrutinize the said estimates and shall be entitled to make such modifications therein as it considers necessary.

(3) The said estimates as modified by the Finance Committee shall then be placed before the Senate which may assent or refuse its assent to the same or may omit or alter any of the items therein.

(4) (i) (a) All modifications made by the Senate in the said estimates which have not the effect of increasing the income,

(b) and all proposals, involving any expenditure, originated by the Senate apart from such estimates, shall be placed before the Finance Committee for its consideration.

(ii) All points of difference between the said Committee and the Senate in respect of the matters specified in clause (i) shall be placed before the Chancellor and his decision thereon shall be final.

The Board of Selection—Its powers. 25. (1) The Board of Selection shall consist of the following persons, namely:—

- (a) One member nominated by the Chancellor,
- (b) The Founder and, in case the office is vacant, any person nominated by the Chancellor to do the duty of the Founder under this section during the continuance of the vacancy,
- (c) The Vice-Chancellor,
- (d) One member elected by the Syndicate from among its members, and
- (e) One member elected by the Senate from among its members.

(2) The Board of Selection shall have the power to appoint the Teachers and the Registrar of the University.

26. (1) The annual accounts of the University shall be Annual prepared by the Syndicate in the manner prescribed and shall accounts. be submitted to such examination and audit as the Local Government may direct.

(2) The accounts when so examined and audited shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the Local Government.

27. The Chancellor, Pro-Chancellor and Vice-Chancellor The Univer- of the University and the members of the Senate, the Aca- sity. demic Council and the Syndicate shall constitute a body corporate by the name of the Annamalai University of Annamalai-
malainagar and shall have perpetual succession and a common seal and shall sue and be used by that name.

28. (1) The Governor-General shall be the Visitor of the Visitor. University.

(2) The Visitor shall have the right to cause an inspection or an enquiry to be made in respect of any matter, institution or property connected with the University by such person or persons as he may appoint in that behalf. The Visitor shall in every case give notice to the University of his intention to cause such inspection or enquiry to be made and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or enquiry. Such report shall be accompanied by the opinion of the Senate thereon and shall be submitted within such time as the Chancellor may direct.

(5) Where the Senate or the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the Senate and the Syndicate shall comply with such directions. In the event of the Senate or the Syndicate not complying with such directions within such time as may be fixed in that behalf by the Chancellor, he shall have power to appoint some person or body to carry them out and make such order as to the expenses thereof as he deems fit to make.

Statutes.

29. Subject to the provisions of this Act, the statutes may provide for all or any of the following, namely:—

- (a) the constitution, powers and duties of the authorities of the University;
- (b) the establishment and maintenance of hostels by the University;
- (c) the conditions of recognition of hostels not maintained by the University;
- (d) the powers of the officers of the University and in the case of officers other than the Chancellor and Pro-Chancellor their duties;
- (e) the conditions of service of the Vice-Chancellor and the Registrar;
- (f) the holding of Convocations to confer degrees;
- (g) the conferment of honorary and *ad eundem* degrees and other distinctions;
- (h) the institution and award of fellowships, including travelling fellowships, scholarships medals and prizes;
- (i) the classification, emoluments and mode of appointment of the teachers of the University;
- (j) the institution of a provident fund for the benefit of the officers of the University (other than the Chancellor, the Founder, the Pro-Chancellor and the Vice-Chancellor), its teachers, clerical staff and servants;
- (k) the maintenance of a register of registered graduates;
- (l) all matters which under this Act may be prescribed by the statutes; and
- (m) all other matters and things save those in respect of which regulations can be made, which are within the purposes of this Act, whether incidental to those specified above or not.

Statutes how made.

30. (1) The Senate may take into consideration the draft of any statute either of its own motion or on the submission thereof by the Syndicate.

(2) If the proposed statute would affect any officer or authority of the University—

- (a) where the Senate acts on its own motion the opinion of the Syndicate and of the officer or authority affected shall be taken into consideration by the Senate before the statute is passed; and
- (b) where the Senate acts on the submission of a draft thereto by the Syndicate, the Senate shall not proceed to consider the draft unless the Syndicate has given an opportunity to the officer or authority

affected to express his or its opinion thereon and places such opinion, if any, before the Senate for its consideration.

(3) When any statute has been passed by the Senate or a draft proposed by the Syndicate has been rejected, the statute or the draft, as the case may be, shall be submitted to the Chancellor together with the opinions, if any, referred to in sub-section (2) and the Chancellor may refer the statute or draft back to the Senate for further consideration.

(4) A statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

31. Subject to the provisions of this Act and the statutes, Regulations. the regulations may provide for all or any of the following matters, namely:—

- (a) the admission of students to and the levy of fees therefor by the University;
- (b) the conditions under which any person may be admitted to the examinations, degrees and diplomas of the University;
- (c) the conditions of residence of the persons referred to in section 7 and the levy of fees for residence and tutorial instruction in hostels maintained by the University;
- (d) the number and qualifications of professors, readers, lecturers and other teachers in the University;
- (e) the fees to be charged for courses of teaching given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of graduates;
- (f) the conditions subject to which persons may be recognized as qualified to give instruction in colleges, hostels and lodgings not maintained by the University;
- (g) the appointment and duties of examiners and their emoluments;
- (h) the conduct of examinations;
- (i) all other matters which by this Act or by the statutes may be provided by the regulations; and
- (j) all matters incidental to those specified in clauses (a) to (i).

32. Regulations may be made by the Academic Council Regulations on its own motion or on the submission of a draft to it by the Syndicate provided that in the former case before a regulation is passed the opinion of the Syndicate thereon shall be obtained and taken into consideration by the Academic Council. **how made.**

All regulations shall have effect from such date as the Academic Council may appoint in that behalf; but every regulation so made shall be submitted as soon as may be to the Senate who shall consider it at its next meeting or at any other meeting to which it may adjourn the consideration thereof. The Senate shall have power, by resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such regulation.

Period of
office.

33. (1) Save as otherwise provided, the authorities and other bodies connected with the University shall be reconstituted every three years, and a member of every such authority or body shall except in the case of ex-officio or life members hold office as member thereof from the date of his election or nomination thereto up to the date of the next reconstitution.

(2) Any vacancy in the said membership occurring before the said reconstitution, shall be filled up as soon as conveniently may be by the person or body who appointed or elected the member whose place has become vacant and the person so appointed or elected shall be a member of such authority or body only for the residue of the term for which the person whose place he has filled would have been a member.

(3) Any person nominated or elected in his capacity as a member of a particular body or the holder of a particular appointment shall if he ceases to be a member of that body or the holder of that appointment as the case may be, for a period of more than three months or if he goes on leave for a period of not less than six months cease to be a member of the authority or the body of the University concerned.

Validity of
proceedings
of the
University
bodies.

34. No act or proceeding of any authority or other body of the University shall be deemed to be invalid by reason only of some defect in the constitution of the University or of the said authority or body, or of the existence of any vacancy in the said authority or body, or of the invalidity of any election connected therewith, or of the disqualification of any member thereof at the time of or subsequent to his election or nomination thereto.

Disqualifica-
tion for
membership.

35. No person shall be qualified for election or nomination as a member of any of the authorities of the University or of any body connected therewith, or for appointment as an officer, thereof if at the time of election, nomination or appointment, he

(a) is of unsound mind, deaf-mute or a leper, or

(b) is an uncertificated bankrupt or undischarged insolvent, or

(c) has been convicted by a court of law of an offence involving moral delinquency.

In case of dispute or doubt, the Chancellor shall determine whether a person is disqualified under this section and his decision shall be final.

36. (1) The Senate may remove any person from membership of any of the authorities of the University or of any body connected therewith or from any of the offices specified in items (5), (6) and (7) of section 8—

Removal from membership of the University.

(a) if he has been convicted by a court of law of what in the opinion of the Senate is an offence involving moral delinquency,

(b) if he becomes of unsound mind or a deaf-mute or a leper, or

(c) if he applies to be adjudicated or is adjudicated a bankrupt or insolvent.

(2) The Senate may for the reason specified in clause (a) of sub-section (1) withdraw any degree or diploma or any other distinction conferred or granted by the University.

(3) The Senate shall not take any action under clause (a) of sub-section (1) or under sub-section (2) except on the recommendation of not less than two-thirds of the members of the Syndicate.

37. If any dispute arises whether any person has been duly elected or nominated as or is entitled to be a member of any authority or body of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

Disputes as to election, nomination or membership of University authority or body.

38. All the authorities of the University shall have power to appoint committees and to delegate to them such of their powers as they deem fit; such committees may include persons who are not members of the authority concerned:

Constitution of committees.

Provided that the number of persons so included in any committee shall not exceed one-fifth of the total number of that committee.

39. Where any provident fund has been instituted by the University for the benefit of its officers, teachers, clerical staff or servants, the Governor-General in Council may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

Provident Fund.

XIX of 1925.

40. On the commencement of this Act, the institutions known as the Sri Minakshi College, the Sri Minakshi Tamil College and the Sri Minakshi Sanskrit College situated at Chidambaram and being maintained by Diwan Bahadur Sir S. R. M. Annamalai Chettiyar shall cease to exist as separate entities and shall become part of the University and all rights,

Transfer of the colleges and of their properties to the University.

powers and privileges of the said institutions and all property movable and immovable thereof shall vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

Permanent
Endowment
Fund.

41. (i) The University shall have a fund called the Permanent Endowment Fund which it shall invest and keep invested in securities issued or guaranteed by the Government of India or by Local Governments in British India.

(ii) The said Permanent Endowment Fund shall consist of—

- (a) the sum of twenty lakhs of rupees given by the Founder, the Honourable Diwan Bahadur Sir S. R. M. Annamalai Chettiyar;
- (b) the sum of twenty-seven lakhs of rupees given to it by the Local Government; and
- (c) any contributions to this fund made by the Local Government, the Government of India, any local or other public body, the Founder or others.

General
Fund.

42. The University shall also have a fund called the General Fund which shall consist of—

- (a) fees and income from endowments including the Permanent Endowment Fund; and
- (b) any contributions made to this fund by the Local Government, the Government of India, any local or other public body, the Founder or others.

Contribution
by Govern-
ment to the
University.

43. The Local Government—

- (1) shall contribute to the general fund annually a sum of one and a half lakhs of rupees, and
- (2) subject to such conditions as may be agreed upon between them and the University
 - (a) shall give for the buildings and equipment of the University a sum of seven and a half lakhs of rupees, and
 - (b) may contribute, from time to time, such further sums as they deem fit to contribute to the said fund or towards such buildings or equipment.

Completion
of Madras
University
courses.

44. Notwithstanding anything contained in this Act or the regulations any student of the University who was pursuing a course of study for any examination of the University of Madras shall be permitted to complete that course and the University shall hold or arrange with the University of Madras for holding for such students examinations in accordance with the curricula of studies of that University for such period as may be prescribed and notwithstanding anything contained in the Madras University Act, 1923, or the Statutes, Ordinances and Regulations thereunder, such students may be admitted to the appropriate examinations of that University.

45. (1) At any time after the passing of this Act the Vice-Chancellor may with the previous approval of the Chancellor, take such action consistent as far as may be with the provisions of this Act and the statutes as he may think necessary for the purpose of bringing the University into being, and for that purpose may exercise any power which by this Act or the statutes is to be conferred on any officer or authority of the University.

(2) At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted, the Registrar and the teachers of the University shall be appointed by the Chancellor after considering the recommendations of a committee consisting of the Pro-Chancellor, the Vice-Chancellor, and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(3) Any appointment made under sub-section (2) shall be for such period and on such conditions as the appointing authority thinks fit: provided that no such appointment shall be made until financial provision has been made therefor.

(4) The first statutes and regulations shall be made by a committee consisting of the Vice-Chancellor as Chairman, and two or more persons nominated thereto by the Chancellor and shall come into force after being approved by the Chancellor, on such date or dates as the Chancellor may appoint in that behalf.

(5) The salary, if any, of the first Vice-Chancellor shall be fixed by the Chancellor.

46. The Chancellor shall have power to take any action necessary to remove any difficulty that may arise in first giving effect to the provisions of this Act.

Removal of difficulties at the commencement of the Act.

47. This section, item (6) of section 14, and sections 23 and 24 shall cease to be part of this Act on the termination of ten years from the date on which section 23 comes into force.

Duration of certain sections of the Act.

SCHEDULE.

The whole of the Revenue village of Tiruvakkulam and portion of the Revenue village of C. Kottangudi and Resurvey No. 102 of the Revenue village of Usuppur in the Chidambaram taluk in the South Arcot district, bounded on the north by the Natarajapuram road commencing from the South Indian Railway level crossing situated just to the east of the Chidambaram Municipal toll-gate, on the east and south by the Uppanar and on the west by the South Indian Railway line and lands belonging to the South Indian Railway Company, Limited; and Resurvey Nos. 65 to 68 and 105 to 144 of the abovementioned Revenue village of Usuppur.

MADRAS ACT No. II OF 1929.¹

[THE INDIAN FISHERIES (MADRAS AMENDMENT) ACT, 1927.]

[1st October, 1929.]

An Act to amend the Indian Fisheries Act, 1897, in its application to the Presidency of Madras.

Preamble.

WHEREAS it is expedient to amend the Indian Fisheries Act, 1897, in its application to the Presidency of Madras for the purposes hereinafter appearing; IV of 1897

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Indian Fisheries (Madras Amendment) Act, 1927.

(2) It extends to the whole of the Presidency of Madras.

Amendment of section 6, Act IV of 1897.

2. In sub-section (3) of section 6 of the Indian Fisheries Act, 1897 (hereinafter referred to as the said Act)— IV of 1897.

(i) after the words “prohibit or regulate” the words “either permanently or for a time or for specified seasons only” shall be inserted, and

(ii) for clause (c) the following clause shall be substituted, namely:—

“(c) the dimension and kind of the contrivances to be used for taking fish generally or any specified kind of fish and the modes of using such contrivances.”

Amendment of section 6, Act IV of 1897.

3. For sub-section (4) of section 6 of the said Act, the following sub-section shall be substituted, namely:—

“(4) Such rules may also prohibit all fishing in any specified water except under a lease or licence granted by Government and in accordance with such conditions as may be specified in such lease or licence:

“Provided that no rule shall be made under this sub-section to prohibit sea fishery other than pearl fishery or chank fishery unless, after previous publication under sub-section (6) of this section, it has been laid in draft before the Legislative Council, and has been approved by a resolution of the Legislative Council either with or without modification or addition; but upon such approval being given the rule may be issued in the form in which it has been so approved.”

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 9th August 1927—Part IV, pages 70–71.

4. After section 7 of the said Act, the following section shall be added, namely:—

Addition of new section 8 to Act IV of 1897.

“ 8. All rents, fees and other moneys payable to Government on account of fishery leases and licences granted by them may be recovered in like manner as if they were arrears of land revenue.”

Recovery of rents-fees and other moneys payable to Government.

MADRAS ACT No. III OF 1929.¹

[THE JAINA SUCCESSION ACT, 1928.]

[5th March, 1929.]

An Act to amend and define the Law of Intestate succession among Jainas governed by the Aliyasantana Law of Inheritance.

WHEREAS it is expedient to amend and define the law relating to intestate succession among Jainas governed by the Aliyasantana Law of Inheritance and whereas the previous sanction of the Governor-General has been obtained under section 80-A of the Government of India Act; it is enacted as follows:—

Preamble.

1. This Act may be called the Jaina Succession Act, 1928. Short title.

2. It extends to the whole of the Presidency of Madras. Local extent.

3. It applies to Jainas domiciled in the Presidency of Madras who are governed by the Aliyasantana Law of Inheritance and also, in respect of immovable property situated within the Presidency of Madras, to Jainas domiciled outside the said Presidency who are so governed. Jainas to whom the Act is applicable.

4. A person is deemed to die intestate in respect of all property, of which he has not made a testamentary disposition which is capable of taking effect. Definition of intestate property.

Explanation.—Property in this section does not include tarwad (kutumba) property, unless the person dying intestate was exclusively entitled to it.

5. Such property shall, notwithstanding any law or custom to the contrary, devolve upon his heirs in the order and according to the rules of the Mitakshara Law of Inheritance, under the Hindu Law as administered in the Presidency of Madras. Such property, on devolution, shall be subject to all the incidents of the Mitakshara Law of Inheritance as administered in the Presidency of Madras. Application of Mitakshara Law of Inheritance to Jainas.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 20th September 1927—Part IV, pages 88–89.

Validation of
customary
marriages
among
Jainas. 6. Notwithstanding any law to the contrary, all forms of
marriages among such Jainas recognized by custom as valid
shall be legal and valid for the purposes of this Act.

MADRAS ACT No. IV of 1929.¹

[THE ANDHRA UNIVERSITY (AMENDMENT) ACT, 1929.]

[4th June, 1929.]

An Act to amend the Andhra University Act, 1925.

Preamble. WHEREAS it is expedient to amend the Andhra University
Act, 1925; It is hereby enacted as follows:—

Madras Act
II of 1926.

Short title
and com-
mencement. 1. (1) This Act may be called the Andhra University
(Amendment) Act, 1929.

(2) It shall come into force on such date as the Local
Government may, by notification in the *Fort St. George*
Gazette, appoint.

Amendment
of section 3
of Madras
Act II of
1926. 2. In sub-section (2) of section 3 of the Andhra Univer-
sity Act, 1925, for the word 'Bezwada,' the word 'Vizaga-
patam' shall be substituted.

MADRAS ACT No. V of 1929.²

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS (AMENDMENT)
ACT, 1929.]

[4th June, 1929.]

An Act further to amend the Madras Hindu Religious
Endowments Act, 1926.

Preamble. WHEREAS it is expedient to put an end to the present
practice of dedication of young girls as devadasis for service
in Hindu temples in the Presidency of Madras;

AND WHEREAS the enfranchisement or freeing of lands held
by them on condition of service in the said temples from such
condition will be an effective step in doing so;

AND WHEREAS it is expedient further to amend the Madras
Hindu Religious Endowments Act, 1926, for these purposes;

Madras Act II
of 1927.

AND WHEREAS the previous sanction of the Governor-
General has been obtained to the passing of this Act;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 14th February 1928—Part IV, pages 11-12.

² For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 25th September 1928—Part IV, page 85.

1929 : Mad. Act V.] *Hindu Religious Endowments* 1743

1929 : Mad. Act VI.] *Andhra University*

1929 : Mad. Act VII.] *Port Trust*

It is hereby enacted as follows:—

1. This Act may be called the Madras Hindu Religious Short title.
Endowments (Amendment) Act, 1929.

2. After section 44 of the Madras Hindu Religious Endow- Insertion of
ments Act, 1926, the following section shall be inserted, new section
namely:— 44-A in
[*Vide pp. 1679–1680.*] Madras Act
II of 1927.

MADRAS ACT No. VI OF 1929.¹

[THE ANDHRA UNIVERSITY (SECOND AMENDMENT) ACT, 1929.]

[*2nd. July, 1929.*]

An Act to amend the Andhra University Act, 1925.

WHEREAS it is expedient to amend the Andhra University Preamble.
Act, 1925; It is hereby enacted as follows:—

² [1. This Act may be called the Andhra University Short title.
(Second Amendment) Act, 1929.]

2. In section 2 of the Andhra University Act, 1925 (here- Amendment
inafter referred to as 'the said Act')— of section 2
of Madras
Act II of
1926.

In clause (f) the words 'Bellary, Anantapur, Cud-
dalah, Kurnool or Chittoor' shall be omitted; and the word
'or' shall be inserted before the word 'Nellore.'

3. In section 3 of the said Act—

In clause (1) the words 'Bellary, Anantapur, Cud- Amendment
dalah, Kurnool and Chittoor' shall be omitted; and the word of section 3
of Madras
Act II of
1926.
'and' shall be inserted before the word 'Nellore.'

MADRAS ACT No. VII OF 1929.³

[THE MADRAS PORT TRUST (AMENDMENT) ACT, 1929.]

[*16th July, 1929.*]

An Act further to amend the Madras Port Trust
Act, 1905.

WHEREAS it is expedient further to amend the Madras Preamble.
Port Trust Act, 1905, for the purposes hereinafter appearing;
And whereas the previous sanction of the Governor-General

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 21st February 1928—Part IV, page 16.

² Section 1 was substituted for the original section by section 2 of the
Madras Amending Act, 1930 (Madras Act I of 1931).

³ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 19th February 1929—Part IV, page 93.

has been obtained to the passing of this Act; It is hereby enacted as follows:—

- Short title. 1. This Act may be called the Madras Port Trust (Amendment) Act, 1929.
- Amendment of section 64-B, Madras Act II of 1905. 2. In clause (h) of sub-section (1) of section 64-B of the Madras Port Trust Act, 1905 (hereinafter referred to as the said Act) for the word 'debentures' in both the places where it occurs, the words 'Port Trust Securities' shall be substituted.
- Amendment of section 67, Madras Act II of 1905. 3. In section 67 of the said Act, for the expression 'debenture-holders' in both the places where it occurs the words 'holders of Port Trust Securities' shall be substituted.
- Amendment of section 68, Madras Act II of 1905. 4. In section 68 of the said Act; for the words 'debenture-holders of the Board' occurring after the words 'of the other' the words 'holders of Port Trust Securities' shall be substituted.
- Amendment of section 70, Madras Act II of 1905. 5. In sub-section (1) of section 70 of the said Act, for the words 'the Board's debentures' the words 'Port Trust Securities' shall be substituted.
- Amendment of section 74, Madras Act II of 1905. 6. In section 74 of the said Act, clauses (5), (6) and (7) shall be renumbered as clauses (6), (7) and (8) respectively, and the following shall be inserted as clause (5), namely:—
 [Vide p. 620.]
- Insertion of new section 74-A in Madras Act II of 1905. 7. After section 74 of the said Act, the following section shall be inserted, namely:—
 [Vide p. 621.]

MADRAS ACT No. VIII OF 1929.¹

[THE MIRZAPURAM AND PEDAGONNUR IMPARTIBLE ESTATES
 ACT, 1929.]

[30th July, 1929.]

An Act to declare the Mirzapuram and Pedagonnur
 Estates to be impartible within the meaning of the
 Madras Impartible Estates Act II of 1904.

Preamble. WHEREAS it is expedient to declare that the Mirzapuram and Pedagonnur Estates are impartible and their proprietor cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Mirzapuram and Pedagonnur Impartible Estates Act, 1929."

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 11th December 1928—Part IV, pages 134-136.

1929 : Mad. Act VIII.] *Mirzapuram and Pedagonnur* 1745
Impartible Estates

1929 : Mad. Act IX.] *Ellamarru and Penjendra*
Impartible Estates

Madras Act II
of 1904.

2. Notwithstanding any decision of courts, rule of law or enactment to the contrary, the Mirzapuram and Pedagonnur Estates, in the Kistna and West Godavari districts, are hereby declared to be impartible estates within the meaning of the Madras Impartible Estates Act II of 1904 and shall in the hands of their present owner as well as of his heirs and successors be subjected to the provisions of that Act.

Mirzapuram and Pedagonnur Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

3. This Act shall not affect any alienation made or debt incurred before the commencement of this Act.

Savings.

MADRAS ACT No. IX OF 1929.¹

[THE ELLAMARRU AND PENJENDRA IMPARTIBLE ESTATES
ACT, 1929.]

[30th July, 1929.]

An Act to declare the Ellamarru and Penjendra estates to be impartible within the meaning of the Madras Impartible Estates Act II of 1904.

WHEREAS it is expedient to declare that the Ellamarru and Penjendra estates are impartible and their proprietor cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows:—

Preamble.

1. This Act may be called “ The Ellamarru and Penjendra Impartible Estates Act, 1929.”

Short title.

Madras Act II
of 1904.

2. Notwithstanding any decision of courts, rule of law, or enactment to the contrary, Ellamarru and Penjendra estates, in the Kistna and West Godavari districts, are hereby declared to be impartible within the meaning of the Madras Impartible Estates Act II of 1904 and shall, in the hands of their present owner as well as his heirs and successors, be subject to the provisions of that Act.

Ellamarru and Penjendra estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

3. This Act shall not affect any alienation made or debt incurred before the commencement of this Act.

Savings.

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 11th December 1928—Part IV, pages 136–138.

MADRAS ACT No. X OF 1929.¹

[THE MADRAS MEDICAL REGISTRATION (AMENDMENT)
 ACT, 1929.]

[20th August, 1929.]

An Act to amend the Madras Medical Registration
 Act, 1914.

Madras Act IV
 of 1914.

Preamble. WHEREAS it is expedient to amend the Madras Medical Registration Act, 1914, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act IV
 of 1914.

Short title. 1. This Act may be called the Madras Medical Registration (Amendment) Act, 1929.

Amendment of section 14, Madras Act IV of 1914. 2. The first paragraph of section 14 of the Madras Medical Registration Act, 1914, shall be renumbered as sub-section (1) and the second paragraph of the said section as sub-section (2) thereof and after sub-section (2) as renumbered the following shall be inserted as sub-section (3), namely:—

[*Vide p. 764.*]

THE MADRAS SERVICES COMMISSION
 ACT, 1929.

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¹For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 19th February 1929—Part IV, pages 93–94.

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MADRAS ACT No. XI OF 1929.¹

[THE MADRAS SERVICES COMMISSION ACT, 1929.]

[22nd October, 1929.]

WHEREAS the Secretary of State for India in Council has made a rule authorizing the local legislature; subject to certain conditions and restrictions, to make laws for the establishment, and for determining the functions, of a Commission to regulate the Public Services of the Presidency of Madras;

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 22nd January 1929—Part IV, page 84.

AND WHEREAS it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said Services;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (a) This Act may be called the Madras Services Commission Act, 1929.

(b) It extends to the whole of the Presidency of Madras.

(c) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. (1) In this Act, unless there is something repugnant in the subject or context—

(a) 'Commission' means 'The Madras Services Commission' established under this Act;

(b) 'Chairman' means the Chairman of the Commission referred to in clause (a);

(c) 'Member' means a member of the Commission referred to in clause (a); and

(d) 'Public Service Commission' means the Commission established under section 96-C of the Government of India Act.

(2) In this Act, the terms, 'All-India service,' 'provincial service,' 'subordinate service' and 'special post' shall have the same meaning as they have in the rules made under sub-section (2) of section 96-B of the Government of India Act by the Secretary of State for India in Council, the Governor-General in Council or the Local Government.

CHAPTER II.—CONSTITUTION, STRENGTH, SALARIES AND STAFF OF THE MADRAS SERVICES COMMISSION.

Establish-
ment of
Madras
Services
Commission.

3. There shall be established for the Presidency of Madras a Commission named 'The Madras Services Commission' consisting of a Chairman and two other members for performing the functions hereinafter specified in this Act in respect of the Public services in the said Presidency.

Appoint-
ment and
removal of
the Chair-
man and
members.

4. ¹ [(1) The Chairman and the other members of the Commission shall be appointed and may be removed from office by the Governor of Madras.]

¹ Sub-sections (1) and (3) were substituted for the original sub-sections by section 2 of the Madras Services Commission (Amendment) Act, 1932 (Madras Act VIII of 1932).

(2) No person shall be appointed to be the Chairman or a member, and no Chairman or member shall continue to hold office as such, after he has completed 60 years of age.

¹[(3) A person who has been the Chairman or a member shall, on vacating his office, be ineligible to hold any office under the Crown in India other than the office of Chairman or member of the Public Service Commission or of a Commission set up by any law enacted under the authority of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.]

(4) No Chairman or member shall hold during his service on the Commission any other office under the Crown in India.

Nothing in this sub-section shall, however, bar the Chairman or other member having a lien on his post on the Commission while holding the office of Chairman or member of the Public Service Commission, or the office of Chairman of the Commission, as the case may be.

5. ²[(1)] There shall be paid to the Chairman a salary of three thousand rupees per mensem and to each of the other members a salary of two thousand rupees per mensem.

Salary of the Chairman and members.

Nothing in ³ [this sub-section] shall prevent a Chairman or other member who at the time of his appointment as such is a retired Government servant from drawing his pension from Government in addition to his salary under ³[this sub-section.]

⁴[(2) The Chairman and other members of the Commission may draw travelling allowances for journeys made by them in the performance of their functions at such rates and subject to such conditions as the Local Government may, by rules, prescribe.]

6. ⁵[(1)] The Commission may, in its discretion, appoint a Secretary to the Commission, on such salary not exceeding one thousand and five hundred rupees per mensem as it thinks fit:

Appointment and salary of Secretary.

Provided that, if the person so appointed is at the time of his appointment a Government servant, his salary shall be fixed with the previous sanction of the Local Government.

¹ Sub-sections (1) and (3) were substituted for the original sub-sections by section 2 of the Madras Services Commission (Amendment) Act, 1932 (Madras Act VIII of 1932).

² Section 5 was renumbered as sub-section (1) of section 5 by section 2 (1) of the Madras Services Commission (Amendment) Act, 1931 (Madras Act IV of 1931).

³ These words were substituted for the words "this section" by section 2 (1) *ibid.*

⁴ This sub-section was added by section 2 (2) *ibid.*

⁵ Section 6 was renumbered as sub-section (1) of section 6 by section 3 *ibid.*

¹[(2)] The Secretary may draw travelling allowances for journeys made by him in the execution of his duties at such rates and subject to such conditions as the Local Government may, by rules, prescribe.]

Commis-
sion's esta-
blishment,
etc.

7. It shall be lawful for the Commission and it is hereby empowered to employ such persons as it may deem necessary and incur expenditure for such employment as well as for contingencies, supplies and services and for other expenses connected with its work ²[including the travelling allowances of the Chairman and other members, the Secretary and the persons employed by the Commission,] up to an aggregate sum of ³[seventy-five thousand rupees per annum :]

Provided that if any person so employed is at the time of his appointment a Government servant, his salary shall be fixed with the previous sanction of the Local Government:

⁴[Provided further that it shall be lawful for the Commission to expend such further sums for expenses connected with its work as may be voted by the Madras Legislative Council on a demand duly made by the Local Government.]

PART II.—FUNCTIONS OF THE COMMISSION.

CHAPTER III.—FUNCTIONS OF THE COMMISSION AS TO RECRUITMENT.

Recruit-
ment
generally.

8. The Commission shall advise the Local Government on any question which the Local Government may refer to it in connexion with the recruitment to any provincial or subordinate service or special post.

Recruit-
ment by
competitive
examina-
tion.

9. Where any competitive examination is to be held in India for the purpose of recruitment to any provincial or subordinate service or special post, the Commission shall—

- (i) advise the Local Government in regard to the regulations prescribing
 - (a) the qualifications of candidates,
 - (b) the conditions of admission to the examination, and
 - (c) the syllabus of the examination;
- (ii) announce the number of vacancies to be filled from among the candidates for the examination;
- (iii) make all arrangements for the actual conduct of the examination;
- (iv) arrange the candidates in order of merit on the results of the examination; and

¹ This sub-section was added by section 3 of the Madras Services Commission (Amendment) Act, 1931 (Madras Act IV of 1931).

² These words were inserted by section 4 (1) *ibid.*

³ These words were substituted for the words " one thousand rupees per mensem " by section 4 (ii) *ibid.*

⁴ This proviso was inserted by section 4 (iii) *ibid.*

- (v) forward a list of the candidates so arranged to the Local Government.

10. Where recruitment to any provincial or subordinate service or special post is to be made by selection in India the Commission shall— Recruitment by selection.

- (i) advise the Local Government in regard to the regulations prescribing the qualifications of candidates and the submission of applications;
- (ii) announce the number of vacancies, and invite applications;
- (iii) consider all applications received and interview such candidates as it considers most suitable for appointment; and
- (iv) submit to the Local Governments a list consisting of such number, as the Local Government may fix, of the candidates whom the Commission considers most suitable for appointment arranged in the order of preference:

Provided that in case the appointment is to be made by the Local Government, the Local Government may, if they think fit, appoint an officer to be present at the interview referred to in clause (iii).

11. Where recruitment to any permanent post in a provincial service is to be made by promotion from a subordinate service, the Commission shall— Recruitment by promotion.

- (i) consider the claims of candidates nominated by the head of the department;
- (ii) thereafter advise the Local Government in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the character and ability requisite for the service to which it is proposed to appoint him; and
- (iii) arrange the candidates in order of preference.

12. In the exercise of its functions under sections 9, 10 and 11 the Commission shall observe the rules, if any, made by the Local Government regarding the constitution of or recruitment to any provincial or subordinate service or special post under sub-section (2) of section 96-B of the Government of India Act. Commission to observe Statutory Rules.

CHAPTER IV.—FUNCTIONS OF THE COMMISSION TO HOLD EXAMINATION FOR PROBATIONERS AND PERSONS ALREADY IN THE SERVICE OF GOVERNMENT.

13. Where any examination is to be held in India to determine whether probationers or officers already in the service of the Local Government have sufficient knowledge of any language or of any law, rules or orders which they may be called upon to administer, or possess any other qualifications including sufficient skill in equitation, which can be Examination for confirmation and promotion.

tested by examination, to justify their appointment to or promotion in an All-India, provincial or subordinate service or a special post, the Commission shall—

- (i) advise the Local Government in regard to regulations prescribing
 - (a) the conditions of admission to the examination,
 - (b) the syllabus of the examination, and
 - (c) the percentage of marks to be obtained for passing the examination;
- (ii) make all arrangements for the actual conduct of the examination;
- (iii) arrange the successful candidates in order of merit; and
- (iv) publish the results in the *Fort St. George Gazette*:

Provided that the Commission shall not undertake any duties under this section in respect of an officer of an All-India service or of any other officer appointed by the Secretary of State in Council or the Governor-General in Council save with the general or special approval of the Governor-General in Council or in the case of persons appointed by the Secretary of State in Council, of the Secretary of State in Council.

CHAPTER V.—FUNCTIONS OF THE COMMISSION IN REGARD TO DISCIPLINARY CASES.

Extent of application.

14. The provisions of this chapter shall not apply to any person in the Civil Service of the Crown in India other than a member of a provincial or subordinate service or the holder of a special post under the administrative control of the Local Government.

Appeals.

15. The Local Government shall—

- (i) before considering any appeal presented to them under the rules made in that behalf under sub-section (2) of section 96-B of the Government of India Act against any order—
 - (a) of censure,
 - (b) withholding an increment or promotion,
 - (c) of reduction to a lower post,
 - (d) of suspension,
 - (e) of removal, or
 - (f) of dismissal, or
- (ii) before passing any original order—
 - (a) withholding an increment or promotion,
 - (b) of reduction to a lower post,
 - (c) of removal, or
 - (d) of dismissal,

consult the Commission in regard to the order to be passed:

Provided that it shall not be necessary for the Local Government to consult the Commission in any case—

- (a) relating to the termination of probation,
- (b) relating to the reversion to his permanent post of an officer officiating in a higher post,
- (c) relating to the termination of the employment of any officer in accordance with the terms of his contract of employment, or
- (d) in which the Commission has, at any previous stage, given advice as to the order to be passed and no fresh question has thereafter arisen for determination.

16. The Local Government may consult the Commission as to the orders to be passed on any memorial submitted to them by any person to whom the provisions of this Chapter apply. Memorials.

17. In any case in which the advice of the Commission is sought under section 15 or 16, the record of the case shall be forwarded to the Commission and the opinion given by the Commission shall form part of the record of the case and shall be communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders on the case. Records to be sent to Commission on reference.

PART III.

CHAPTER VI.—MISCELLANEOUS.

18. The proceedings of the Commission shall not be invalidated by any vacancy in the office of the Chairman or a member. Vacancy not to invalidate acts of Commission.

19. The salaries referred to ¹ [in sub-section (1) of section 5 and in sub-section (1) of section 6] and the expenditure incurred under section 7 shall be defrayed from the provincial revenues of the Local Government. Expenditure to be defrayed from provincial revenues.

20. Within six months of the end of each financial year the Commission shall present to the Local Government a report on its proceedings during such financial year and the report shall be brought up by the Local Government for the consideration of the Legislative Council. Annual report to be presented to Local Government.

21. (1) The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules prescribing the procedure to be adopted by the Commission.

¹ These words and figures were substituted for the words and figures "in sections 5 and 6" by section 5 of the Madras Services Commission (Amendment) Act, 1931 (Madras Act IV of 1931).

(3) Rules made under this section shall be published in the *Fort St. George Gazette* and laid in draft before the Madras Legislative Council for a period of three months while the Council is in session and shall on the expiry of such period be republished and upon such republication take effect as if enacted in this Act.

MADRAS ACT No. XII of 1929.

[THE MADRAS UNIVERSITY (AMENDMENT) ACT, 1929.]

[29th October, 1929.]

An Act to amend the Madras University Act, 1923.

Preamble. WHEREAS it is expedient to amend the Madras University Act, 1923, for the purposes hereinafter appearing; it is hereby enacted as follows:— Madras Act VII of 1923.

Short title. 1. This Act may be called the Madras University (Amendment) Act, 1929.

Amendment of section 2 of Madras Act VII of 1923. 2. In section 2 of the Madras University Act, 1923 (hereinafter referred to as the said Act)— Madras Act VII of 1923.

(i) after clause (c), the following clause shall be inserted, namely:—

[*Vide p. 1498.*]

(ii) after clause (e), the following clause shall be inserted, namely:—

[*Vide p. 1498.*]

(iii) in clause (f), after the words 'prescribed by' the words 'this Act or' shall be inserted;

(iv) after clause (g), the following clause shall be inserted, namely:—

[*Vide p. 1498.*]

(v) for clause (h), the following clause shall be substituted, namely:—

[*Vide p. 1498.*]

(vi) in clause (g), for the words 'constituent college or of an affiliated college' the words 'constituent, affiliated or oriental college' shall be substituted;

(vii) for clause (j), the following clause shall be substituted, namely:—

[*Vide p. 1498.*]

(viii) in clause (n), after the words 'means a,' the words 'whole-time or part-time' shall be inserted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th October 1927—Part IV, pages 117-118.

3. In sub-section (1) of section 3 of the said Act, the words 'and the Council of Affiliated Colleges' shall be omitted, and after the words 'the Syndicate,' the word 'and' shall be inserted.

Amendment of section 3 of Madras Act VII of 1923.

4. After section 4 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1499–1501.*]

Insertion of new section 4-A in Madras Act VII of 1923.

5. In sub-section (1) of section 5 of the said Act—

- (i) for the words 'creed or class,' the words 'creed, class, or political views' shall be substituted; and
- (ii) for the words 'relating to religious belief or profession' the words 'relating to religious belief or profession or political views' shall be substituted.

Amendment of section 5 of Madras Act VII of 1923.

6. For section 6 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1502.*]

Substitution of new section for section 6 of Madras Act VII of 1923.

7. In sub-section (2) of section 7 of the said Act, for the words 'associated with,' the words 'maintained, recognized or approved by or affiliated to' shall be substituted and the words 'or done' occurring after the words 'work conducted' shall be omitted.

Amendment of section 7 of Madras Act VII of 1923.

8. For section 8 of the said Act the following section shall be substituted, namely:—

[*Vide p. 1503.*]

Substitution of new section for section 8 of Madras Act VII of 1923.

9. In sub-section (1) of section 9 of the said Act, for the first sentence the following sentence shall be substituted, namely:—

[*Vide p. 1503.*]

Amendment of section 9 of Madras Act VII of 1923.

10. For sub-section (1) of section 10 of the said Act the following sub-section shall be substituted, namely:—

[*Vide p. 1503.*]

Amendment of section 10 of Madras Act VII of 1923.

11. In section 11 of the said Act—

- (i) in sub-section (1), for the words 'five persons' the words 'three persons,' and for the words 'shall be prescribed' the words 'may be prescribed by the statutes' shall be substituted; and

Amendment of section 11 of Madras Act VII of 1923.

(ii) in sub-section (2)—

- (a) for the word 'Where' the word 'When' shall be substituted; and
- (b) for the words 'carrying on the duties' the words 'exercising the powers and performing the duties' shall be substituted.

Amendment
of section 12
of Madras
Act VII of
1923.

12. In section 12 of the said Act—

- (i) in sub-section (1), the words 'and of the Council of Affiliated Colleges' shall be omitted and after the words 'the Syndicate,' the word 'and' shall be inserted; the word 'at' occurring between the word 'address' and the words 'any meeting' shall be omitted; and
- (ii) in sub-section (3), the words 'and the Council of Affiliated Colleges' shall be omitted and after the words 'the Syndicate,' the word 'and' shall be inserted.

Insertion of
new section
12-A in
Madras Act
VII of 1923

13. After section 12 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1505.*]

Amendment
of section 13
of Madras
Act VII of
1923.

14. In section 13 of the said Act—

- (i) at the end of clause (5), the word 'and' shall be inserted.
- (ii) clause (6) shall be omitted and clause (7) re-numbered as (6); and
- (iii) in clause (6) as so re-numbered, for the word 'authorities' where it first occurs, the word 'bodies' shall be substituted.

Substitution
of new sec-
tion 14 in
Madras Act
VII of 1923.

15. For section 14 of the said Act the following section shall be substituted, namely:—

[*Vide pp. 1505–1507.*]

Substitution
of new
section for
section 15 of
Madras Act
VII of 1923.

16. For section 15 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1507.*]

Substitution
of new
section for
section 16 of
Madras Act
VII of 1923.

17. For section 16 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1507–1510.*]

Amendment
of section 17
of Madras
Act VII of
1923.

18. For sub-section (1) of section 17 of the said Act the following sub-section shall be substituted, namely:—

[*Vide p. 1510.*]

Amendment
of section 18
of Madras
Act VII of
1923.

19. (1) The paragraphs of section 18 of the said Act except the last paragraph shall be lettered as sub-section (a) of section 18 and in the sub-section as so lettered, under the head 'Class II—Other Members'—

- (a) in clause (2) for the word 'three' the word 'six' shall be substituted, and at the end of clause (2) the following words shall be added: 'of whom three shall be teachers of affiliated colleges and the rest shall be persons other than teachers of affiliated colleges';

(b) clause (3) shall be omitted and clause (4) re-numbered as (3); and

(c) after clause (3), as so re-numbered, the following proviso shall be inserted, namely:—

[*Vide p. 1511.*]

(2) For the last paragraph of the said section, the following sub-sections shall be substituted, namely:—

[*Vide p. 1511.*]

20. For section 19 of the said Act the following section shall be substituted, namely:—

[*Vide pp. 1511–1513.*]

Substitution of new section for section 19 of Madras Act VII of 1923.

21. In the heading to Chapter V of the said Act for the words “ and the Council of Affiliated Colleges ” the words “ The Boards of Studies and Other Authorities ” shall be substituted.

Amendment of the heading of Chapter V of Madras Act VII of 1923.

22. For section 23 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1514–1515.*]

Substitution of new section for section 23 of Madras Act VII of 1923.

23. For section 24 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1515–1516.*]

Substitution of new section for section 24 of Madras Act VII of 1923.

24. For section 25 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1516.*]

Substitution of new section for section 25 of Madras Act VII of 1923.

25. After section 25 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1516.*]

Insertion of new section 25-A in Madras Act VII of 1923.

26. Sections 26 and 27 of the said Act shall be omitted.

Repeal of sections 26 and 27 of Madras Act VII of 1923.

27. In section 28 of the said Act, for the word ‘ authorities ’ where it first occurs, the word ‘ bodies ’ shall be substituted.

Amendment of section 28 of Madras Act VII of 1923.

28. In section 29 of the said Act—

(i) for clause (c) the following clause shall be substituted:—

[*Vide p. 1517.*]

Amendment of section 29 of Madras Act VII of 1923.

(ii) clauses (e) and (m) shall be *omitted* and clauses (f), (g), (h), (i), (j), (k), (l) and (n) re-lettered as (e), (f), (g), (i), (j), (k), and (l) respectively;

(iii) for clause (e) as so re-lettered the following clause shall be substituted, namely:—

[*Vide p. 1517.*]

(iv) for clause (h) as so re-lettered, the following clause shall be substituted, namely:—

[*Vide p. 1517.*]

(v) in clause (k) as so re-lettered, after the word 'graduates' at the end, the word 'and' shall be added.

Amendment
of section 30
of Madras
Act VII of
1923.

29. In section 30 of the said Act—

(i) sub-sections (1) and (2) shall be omitted and sub-sections (3) to (6) re-numbered as (1) to (4) respectively; and

(ii) in clause (b) of sub-section (4) as so re-numbered the words 'and the Council of Affiliated Colleges' shall be omitted.

Amendment
of section 31
of Madras
Act VII
of 1923.

30. In section 31 of the said Act—

(i) clause (b) shall be omitted and clauses (c) to (j) re-lettered as (b) to (i), respectively;

(ii) for clause (c) as so re-lettered the following clause shall be substituted, namely:—

[*Vide p. 1519.*]

(iii) in clause (d) as so re-lettered, the word 'number' shall be omitted;

(iv) in clause (e) as so re-lettered, the words 'for admission to the examinations, degrees and diplomas of the University and for the registration of graduates' shall be omitted; and before the words 'for tutorial and supplementary instruction' the word 'and' shall be inserted;

(v) in clause (f) as so re-lettered, after the word 'constituent' the words 'affiliated and oriental' shall be inserted.

Amendment
of section 32
of Madras
Act VII of
1923.

31. For sub-section (1) of section 32 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide p. 1519.*]

Amendment
of section 35
of Madras
Act VII of
1923.

32. In section 35 of the said Act—

(i) In sub-section (2) for the words 'recognized by the Senate' the words 'recognized by the Syndicate' shall be substituted;

(ii) in sub-section (3) the words 'or hostel' in the two places where they occur shall be omitted: and

- (iii) after sub-section (3) the following sub-section shall be inserted as sub-section (4), namely:—

[*Vide p. 1520.*]

33. In section 36 of the said Act—

- (i) In sub-section (1) for the word ' Madras ' the words ' the University of Madras ' shall be substituted; and
(ii) In sub-section (2) for the words ' constituent college or of an affiliated college ' the words ' constituent, affiliated or oriental college ' shall be substituted.

Amendment of section 36 of Madras Act VII of 1923.

34. For section 38 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1521.*]

Substitution of new section for section 38 of Madras Act VII of 1923.

35. For section 42 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1522.*]

Substitution of new section for section 42 of Madras Act VII of 1923.

36. For clause (b) of the second paragraph of section 44 of the said Act, the following clause shall be substituted, namely:—

[*Vide p. 1523.*]

Amendment of section 44 of Madras Act VII of 1923.

37. In section 51 of the said Act, for the word ' property ' the word ' properties ' shall be substituted.

Amendment of section 51 of Madras Act VII of 1923.

38. Section 54 of the said Act shall be omitted.

Repeal of section 54 of Madras Act VII of 1923.

39. Schedule I to the said Act shall be omitted.

Repeal of Schedule I to Madras Act VII of 1923.

40. The Statutes, Ordinances and Regulations in force at the time of commencement of this Act shall continue to be in force until they are replaced by Statutes, Ordinances or Regulations framed under the said Act as amended by this Act.

Existing Statutes, Ordinances and Regulations to continue in force till replaced.

41. In their application to the members of the Senate, Syndicate and Academic Council in office at the commencement of this Act and the first reconstitution of these authorities in accordance therewith, the provisions of the said Act and of this Act shall be read subject to the rules contained in the Schedule.

Transitory provisions re existing members of Senate, Syndicate and Academic Council.

THE SCHEDULE.

Transitory provisions.

1. The Local Government shall fix a date, not later than the 31st day of March 1930, on which the term of office of members of the Senate, Syndicate and Academic Council holding office at the commencement of this Act shall expire.

2. Any vacancy in the office of member of the Senate, Syndicate or Academic Council which is in existence at the commencement of this Act or which occurs before the date fixed under rule 1 shall be filled up in the same manner as it would have been filled up if this Act had not been passed:

Provided that any person elected or appointed as member under this rule shall hold office only up to the date referred to in rule 1.

Provided however that the Syndicate may decide to have no election in the case of vacancies that may last for less than three months.

3. The Vice-Chancellor shall cause arrangements to be made for the election or appointment of members of the Senate, Syndicate and Academic Council so that the newly elected and appointed members may come into office on the date fixed under rule 1 for the expiry of the term of office of members holding office at the commencement of this Act.

4. No acts or proceedings of the Academic Council reconstituted under this Act shall be deemed to be invalid by reason only of non-compliance with the provisions of clause (2) of class II of sub-section (a) of section 23 of the said Act as amended by this Act.

5. If any difficulty arises as to the reconstitution of the Senate, Syndicate or Academic Council under this Act, the Local Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

MADRAS ACT No. XIII OF 1929.¹

[THE MADRAS CITY POLICE (AMENDMENT) ACT, 1929.]

[19th November, 1929.]

An Act further to amend the Madras City Police Act, 1888.

Preamble. WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purpose of controlling, betting and wagering on horse races; It is hereby enacted as follows:— Madras Act III of 1888.

Short title. 1. This Act may be called the Madras City Police (Amendment) Act, 1929.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 22nd January 1929—Part IV, page 75.

Madras Act III
of 1888.

2. In section 3 of the Madras City Police Act, 1883 (hereinafter referred to as the said Act), after the definition of 'Common Gaming-house,' the following definitions shall be inserted, namely:—
 [Vide p. 424.]

Amendment
of section 3,
Madras Act
III of 1888.

3. Section 37 of the said Act shall be renumbered as sub-section (1) of section 37 and to that section as so renumbered, the following sub-sections shall be added, namely:—
 [Vide p. 430.]

Amendment
of section 37,
Madras Act
III of 1888.

4. In sections 42 and 43 of the said Act, for the words 'enclosed place or building' wherever they occur, the word 'place' shall be substituted.

Amendment
of sections
42 and 43,
Madras Act
III of 1888.

5. In section 44 of the said Act, after the word 'wager' the word 'bet' shall be inserted.

Amendment
of section 44,
Madras Act
III of 1888.

6. In section 51 of the said Act, after the word 'wagers' the word 'bets' and after the word 'wagering' the words 'or betting' shall be inserted.

Amendment
of section 51,
Madras Act
III of 1888.

MADRAS ACT No. XIV OF 1929.¹

[THE MADRAS MEDICAL REGISTRATION (SECOND AMENDMENT)
 Act, 1929.]

[3rd December, 1929.]

An Act further to amend the Madras Medical Registration Act, 1914, for certain purposes.

Madras Act IV
of 1914.

WHEREAS it is expedient further to amend the Madras Medical Registration Act, 1914, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Medical Registration (Second Amendment) Act, 1929.

Short title.

2. In sub-section (1) of section 5 of the Madras Medical Registration Act, 1914—

Amendment
of section 5,
Madras Act
IV of 1914.

(i) for clause (b) the following clauses shall be substituted, namely:—

[Vide p. 762.]

(ii) in clause (d)

(a) for the words "three members" the words "two members" shall be substituted, and

(b) after the words "the University of Madras" at the end, the words "or of the Andhra University" shall be added.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 27th August 1929—Part IV, page 146.

MADRAS ACT No. XV OF 1929.¹

[THE MADRAS VILLAGE COURTS (AMENDMENT) ACT, 1929.]
 [3rd December, 1929.]

An Act further to amend the Madras Village Courts
 Act, 1888.

Preamble. WHEREAS it is expedient further to amend the Madras Village Courts Act, 1888, for the purpose hereinafter appearing; Madras Act I of 1889.
 And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Village Courts (Amendment) Act, 1929.

Substitution of a new section for section 66, Madras Act I of 1889. 2. For section 66 of the Madras Village Courts Act, 1888, Madras Act I of 1889.
 hereinafter referred to as the said Act, the following section shall be substituted, namely:—
 [Vide p. 454.]

Insertion of new section 67-A in Madras Act I of 1889. 3. After section 67 of the said Act, the following section shall be inserted, namely:—
 [Vide p. 454.]

MADRAS ACT No. XVI OF 1929²

[THE ANDHRA UNIVERSITY (THIRD AMENDMENT) ACT, 1929.]
 [3rd December, 1929.]

An Act further to amend the Andhra University
 Act, 1925.

Preamble. WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:— Madras Act II of 1926.

Short title. 1. [This Act may be called the Andhra University (Third Amendment) Act, 1929.]

Amendment of section 30, Madras Act II of 1926. 2. To section 30 of the Andhra University Act, 1925 Madras Act II of 1926.
 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—
 [Vide p. 1636.]

¹ For Statement of Objects and Reasons see Fort St. George Gazette, dated 5th February 1929—Part IV, pages 88–89.

² For Statement of Objects and Reasons see Fort St. George Gazette, dated 1st October 1929—Part IV, pages 188–189.

³ Section 1 was substituted for the original section by section 2 of the Madras Amending Act, 1930 (Madras Act I of 1931).

3. Notwithstanding anything contained in the said Act or in the Ordinances framed thereunder,

(i) any student of a college in the present districts of Bellary, Anantapur, Cuddapah, Kurnool or Chittoor affiliated to the Andhra University before the coming into force of the Andhra University (Amendment) Act, 1929, who was studying for any examination of the Andhra University, or

(ii) any student who is admitted during the academic year 1929-30 into any such college to study for any examination of the Andhra University.

shall be permitted to complete his course in preparation therefor and the Andhra University shall hold for such student examinations in accordance with the curricula of studies of that University for a period of five years beginning on the second day of July 1929 and confer degrees and other academic distinctions to which such student will be entitled on his passing the said examinations if the said Andhra University (Amendment) Act, 1929, had not come into force.

Madras Act VI
of 1929.

Madras Act VI
of 1929.

MADRAS ACT No. XVII OF 1929.¹

[THE MADRAS DISTRICT MUNICIPALITIES AMENDMENT ACT,
1929.]

[10th December, 1929.]

An Act to amend the Madras District Municipalities Act, 1920.

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920, and whereas the previous sanction of His Excellency the Governor-General has been obtained to the passing of this Act, it is hereby enacted as follows:—

Madras Act V
of 1920.

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1929.

Madras Act V
of 1920.

2. After section 180 of the Madras District Municipalities Act (hereinafter referred to as the said Act), the following section shall be inserted, viz.:—

[Vide p. 1085.]

3. After section 227 of the said Act, the following shall be added, viz.:—

[Vide p. 1100.]

¹ For Statement of Objects and Reasons see *Port St. George Gazette*, dated 21st February 1928—Part IV, pages 14-15.

Completion
of courses of
study of
students
preparing
for exami-
nations of
the Andhra
University.

Preamble.

Short title.

Insertion of
new section
180-A in
Madras Act
V of 1920.

Insertion of
new section
227-A in
Madras Act
V of 1920.

Amendment
of section
259, Madras
Act V of
1920.

4. In section 259 of the said Act, a semicolon shall be substituted for the full stop at the end and the following shall be added, viz.:—

[*Vide p. 1111.*]

Amendment
of Schedule
VII, Madras
Act V of
1920.

5. In Schedule VII of the said Act, the following items shall be inserted at the appropriate places, viz.:—

[*Not printed. See p. 1187.*]

MADRAS ACT No. XVIII OF 1929.¹

[THE MADRAS ABKARI (AMENDMENT) ACT, 1929.]

[10th December, 1929.]

An Act further to amend the Madras Abkari Act, 1886.

Preamble.

WHEREAS it is expedient further to amend the Madras Abkari Act, 1886, for the purposes hereinafter appearing; and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Madras Act I
of 1886.

Short title.

1. This Act may be called the Madras Abkari (Amendment) Act, 1929.

Amendment
of section 15,
Madras Act I
of 1886.

2. To section 15 of the Madras Abkari Act, 1886 (hereinafter referred to as the said Act, the following explanation shall be added, namely:—

Madras Act I
of 1886.

[*Vide p. 391.*]

Amendment
of section 36,
Madras Act
I of 1886.

3. To section 36 of the said Act, the following proviso shall be added, namely:—

[*Vide p. 399.*]

MADRAS ACT No. I OF 1930.²

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (FURTHER AMENDMENT) ACT, 1929.]

[21st January, 1930.]

An Act further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921.

Preamble.

WHEREAS it is expedient further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for the purposes hereinafter appearing;

Madras Act II
of 1922.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 25th September 1928—Part IV, page 85.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 6th August 1929—Part IV, pages 141–142.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929. Short title.

Madras Act II
of 1922.

2. In section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1921 (hereinafter referred to as the said Act),— Amendment
of section 2,
Madras Act
II of 1922.

(i) in sub-section (1)—

(a) after the words “elected or appointed to be a councillor of a municipal council” the words “or who becomes an ex officio councillor of a municipal council” shall be inserted, and

(b) for the words “having been ^{elected}~~appointed~~ a councillor” the words ^{“having been elected a}~~“having been appointed a~~ ^{having become an ex officio} councillor” shall be substituted; and

(ii) in sub-section (2), after the words “elected or appointed a councillor” the words “or having become an ex officio councillor” shall be inserted.

3. In section 5 of the said Act for the words “who has become an ex officio member of a local board” the words “who has become an ex officio councillor of a municipal council or an ex officio member of a local board” shall be substituted. Amendment
of section 5,
Madras Act
II of 1922.

4. After section 5 of the said Act, the following section shall be inserted, namely:— Insertion of
new section
5-A in
Madras
Act II of
1922.

[*Vide pp. 1424-25.*]

MADRAS ACT No. II OF 1930.¹

[THE MADRAS TOWN-PLANNING (AMENDMENT) ACT, 1930.]

[8th April, 1930.]

An Act to amend the Madras Town-Planning Act, 1920.

Madras Act
VII of 1920.

WHEREAS it is expedient to amend the Madras Town-Planning Act, 1920, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Madras Town-Planning (Amendment) Act, 1930. Short title.

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 17th September 1929—Part IV, pages 159-161.

Amendment of section 2, Madras Act VII of 1920. 2. In section 2 of the Madras Town-Planning Act, 1920 ^{Madras Act VII of 1920.} (hereinafter referred to as the said Act), clause (8) shall be re-numbered as clause (9) and the following shall be inserted as clauses (8) and (10), namely:—

[*Vide pp.* 1199–1200.]

Repeal of section 3, Madras Act VII of 1920.

3. Section 3 of the said Act shall be omitted.

Amendment of section 4, Madras Act VII of 1920.

4. In section 4 of the said Act—

(i) for clause (a) the following clause shall be substituted, namely:—

[*Vide p.* 1200.]

(ii) in clause (c), for the word ‘and’ occurring after the word ‘removal’ the word ‘or’ shall be substituted;

(iii) in clause (d), after the word ‘land’, the words ‘or other immovable property’ shall be inserted, and the words ‘for building purposes’ shall be omitted;

(iv) in clauses (k) and (l), the words ‘for the poorer and working classes’ shall be omitted;

(v) in clause (o), after the word ‘suspension’, the words ‘restriction or modification’ shall be inserted, and for the figures ‘1884’, the figures ‘1920’ shall be substituted;

(vi) in clause (p), before the word ‘modification’ the words ‘suspension, restriction or’ shall be inserted; and

(vii) clause (q) shall be re-lettered (r); and the following shall be inserted as clause (q), namely:—

[*Vide p.* 1201.]

Amendment of section 5, Madras Act VII of 1920.

5. In sub-section (1) of section 5 of the said Act, the words ‘In the scheme’ shall be omitted.

Repeal of section 6, Madras Act VII of 1920.

6. Section 6 of the said Act shall be omitted.

Substitution of new section for section 8, Madras Act VII of 1920.

7. For section 8 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1202–1203.]

Amendment of section 9, Madras Act VII of 1920.

8. In section 9 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide p.* 1203.]

- (ii) in the proviso to sub-section (2) after the word ' Provided ' the word ' further ' shall be inserted and before the same proviso the following proviso shall be inserted, namely:—

[*Vide p. 1203.*]

9. Sub-section (1) of section 10 of the said Act shall be re-numbered as section 10 and sub-sections (2) and (3) shall be omitted.

Amendment
of section
10, Madras
Act VII of
1920.

10. In section 11 of the said Act—

- (i) in sub-section (1), the words, figure and brackets ' sub-section (3) ' and the word ' print ' shall be omitted; and
- (ii) in sub-section (2), the words ' print and ' shall be omitted.

Amendment
of section
11, Madras
Act VII of
1920.

11. In section 12 of the said Act—

- (i) for the words and figures ' sections 8 to 11 ', the words and figures ' sections 9 to 11 ' shall be substituted; and
- (ii) for the words ' to prepare, print and submit for their sanction a scheme ', the words ' to prepare, publish and submit for their sanction a draft scheme ' shall be substituted.

Amendment
of section
12, Madras
Act VII of
1920.

12. (1) Section 13 of the said Act shall be re-numbered as sub-section (1) of section 13 and in that sub-section as re-numbered—

Amendment
of section
13, Madras
Act VII of
1920.

- (a) for clause (d), the following clause shall be substituted, namely:—

[*Vide p. 1204.*]

- (b) clause (e) shall be omitted;

- (c) in clause (f) the word ' net ' shall be omitted; and

- (d) for clause (g) the following clause shall be substituted, namely:—

[*Vide p. 1204.*]

(2) To the same section, the following sub-sections shall be added, namely:—

[*Vide p. 1205.*]

13. In section 14 of the said Act—

- (i) at the end of sub-section (2) the words " and the fact of such submission shall be published in the prescribed manner " shall be added;
- (ii) for sub-section (3) the following sub-section shall be substituted, namely:—

Amendment
of section
14, Madras
Act VII of
1920.

[*Vide p. 1205.*]

- (iii) sub-section (5) shall be omitted, sub-section (4) shall be re-numbered (5) and the following shall be inserted as sub-sections (4) and (6), namely:—

[*Vide p. 1206.*]

Substitution
of new
section for
section 15,
Madras Act
VII of 1920.

14. For section 15 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1206.*]

Amendment
of section
17, Madras
Act VII of
1920.

15. In section 17 of the said Act—

- (i) the word, figure and brackets 'sub-section (1)' shall be omitted;
- (ii) for the words 'and obtained permission from the municipal council to do so' the words 'and obtained permission, in cases where a scheme has not been sanctioned, from the municipal council, and in other cases, from a responsible authority' shall be substituted; and
- (iii) in the proviso after the word 'council' the words 'or the responsible authority' shall be inserted.

Amendment
of section
19, Madras
Act VII of
1920.

16. In section 19 of the said Act—

- (i) for the word 'chairman' wherever it occurs in the section, the words 'responsible authority' shall be substituted; and
- (ii) for sub-section (3) the following sub-section shall be substituted, namely:—

[*Vide p. 1208.*]

Amendment
of section
20, Madras
Act VII of
1920.

17. In section 20 of the said Act, the words 'of the municipal council' shall be omitted.

Amendment
of section
21, Madras
Act VII of
1920.

18. In section 21 of the said Act, the word, figure and brackets 'sub-section (1)' shall be omitted.

Insertion of
new section
22-A in
Madras Act
VII of 1920.

19. After section 22 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1209.*]

Amendment
of section
23, Madras
Act VII of
1920.

20. In section 23 of the said Act, for the words 'any property is increased in value' the words 'the value of any property has increased or is likely to increase,' and for the words 'not being later than six months' the words 'not being less than three months' shall be substituted.

Amendment
of section
24, Madras
Act VII of
1920.

21. In section 24 of the said Act—

- (i) in clause (a) the word, figure and brackets 'sub-section (1)' shall be omitted; and

- (ii) in clause (b) for the word, figure and brackets ' sub-section (5) ' the word, figure and brackets ' sub-section (6) ' shall be substituted.

22. For section 27 of the said Act, the following section shall be substituted, namely:—
[*Vide pp.* 1211–1212.]

Substitution of new section for section 27, Madras Act VII of 1920.

23. For section 28 of the said Act, the following section shall be substituted, namely:—
[*Vide p.* 1212.]

Substitution of new section for section 28, Madras Act VII of 1920.

24. For section 29 of the said Act, the following section shall be substituted, namely:—
[*Vide pp.* 1212–1213.]

Substitution of new section for section 29, Madras Act VII of 1920.

25. In section 35 of the said Act—

- (i) in clause (a) of sub-section (2) and in clause (d) of sub-section (3) the word, figure and brackets ' sub-section (1) ' shall be omitted; and
- Amendment of section 35, Madras Act VII of 1920.

- (ii) in clause (f) of sub-section (3) the words ' from the municipal council ' shall be omitted.

26. In section 37 of the said Act, for the words ' in relation to the scheme in question ' the words ' in relation to a particular scheme or to town-planning in general ' shall be substituted.

Amendment of section 37, Madras Act VII of 1920.

27. For section 38 of the said Act, the following section shall be substituted, namely:—
[*Vide pp.* 1217–1218.]

Substitution of new section for section 38, Madras Act VII of 1920.

28. In sections 39 and 40 of the said Act, for the figures " 1884 ", the figures " 1920 " shall be substituted.

Amendment of sections 39 and 40, Madras Act VII of 1920.

29. In sub-section (2) of section 42 of the said Act, after the words " the municipal council " the words " or the responsible authority as the case may be ", after the words " a municipal council " the words " or a responsible authority " and after the word " council " wherever it occurs the words " or the responsible authority " shall be inserted.

Amendment of section 42, Madras Act VII of 1920.

30. In section 43 of the said Act, after the words " municipal authorities " wherever they occur, the words " or the responsible authority " shall be inserted.

Amendment of section 43, Madras Act VII of 1920.

Amendment
of section
44, Madras
Act VII of
1920.

31. In section 44 of the said Act,—

(i) in sub-section (2)—

(a) in clause (a), the words, figures and brackets “ sub-sections (1) and (3) ” shall be omitted;

(b) in clause (b), for the word, letter and brackets “ clause (q) ” the word, letter and brackets “ clause (r) ” shall be substituted, and after the the word and figures “ section 13 ” the word, figure and brackets “ sub-section (1) ” shall be inserted;

(c) clause (h) shall be omitted;

(d) in clause (k) after the words “ municipal council ” the words “ and responsible authority ” shall be inserted;

(e) in clause (l) the words “ in the place of a council ” shall be omitted and for the words “ on the part of the latter ” the words “ on the part of the municipal council or the responsible authority ” shall be substituted;

(f) in clause (o) after the words “ municipal councils ” the words “ and responsible authorities ” shall be inserted; and

(g) after clause (t) the following clauses shall be inserted, namely:—

[*Vide p. 1222.*]

(ii) for sub-section (3) the following sub-section shall be substituted, namely:—

[*Vide p. 1222.*]

Insertion
of sections
44-A and
44-B in
Madras
Act VII of
1920.

32. After section 44 of the said Act, the following sections shall be inserted, namely:—

[*Vide pp. 1222–1223.*]

Insertion of
new section
50-A in
Madras Act
VII of 1920.

33. After section 50 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1226.*]

Amend-
ment of
section 54,
Madras
Act VII of
1920.

34. In sub-section (1) of section 54 of the said Act, the words “ subject to the condition of previous publication ” shall be omitted.

Insertion of
new Chapter
X in Madras
Act VII of
1920.

35. After section 54 of the said Act, the following chapter shall be inserted, namely:—

[*Vide pp. 1228–1229.*]

THE MADRAS GAMING ACT, 1930.

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SECTIONS.

1. Short Title.
2. Extent.
3. Definitions.
4. Penalty for opening, etc., any enclosure, etc., for gaming on a horse race.
5. Power to grant warrant to enter a common gaming-house.
6. Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house.
7. Proof of playing for stakes unnecessary.
8. Penalty for opening, etc., a common gaming-house.
9. Penalty for being found gaming in a common gaming-house.
10. Instruments of gaming may be ordered to be destroyed on conviction.
11. Saving of games of skill.
12. Penalty for gaming in public street, etc.
13. Police may arrest without warrant on view of offence.
14. Repeal.

MADRAS ACT No. III OF 1930.¹

[THE MADRAS GAMING ACT, 1930.]

[8th April, 1930.]

An Act to provide for the punishment of Gaming and the Keeping of Common Gaming-houses in the Presidency of Madras.

WHEREAS it is expedient to make provision for the punishment of gaming and the keeping of common gaming-houses in the Presidency of Madras; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Gaming Act, 1930. Short title.

2. This Act extends to the whole of the Presidency of Madras with the exception of the City of Madras as defined in the Madras City Police Act, 1888. Extent.

Madras Act
III of 1888.

3. In this Act, unless there be something repugnant in the subject or context,—

“ Common gaming-house ” means any enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such enclosure, room or place, whether by “ Common gaming-house ”.

¹For Statement of Objects and Reasons see *Fort St. George, Gazette* dated 21st January 1930—Part IV, page 186.

way of charge for the use of instruments of gaming or of the enclosure, room or place, or otherwise howsoever;

“Gaming.”

“Gaming” does not include a lottery, but includes wagering or betting on a horse-race except when such wagering or betting takes place,—

(i) on the date on which such race is to be run; and

(ii) in a place or places within the race enclosure which the authority controlling such race has with the sanction of the Local Government set apart for the purpose.

“Instruments of gaming.”

“Instruments of gaming” include an article used as a subject or means of, or for the purpose of carrying on or facilitating, or in connexion with gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming.

Penalty for opening, etc., any enclosure, etc., for gaming on a horse race.

4. (i) Whoever opens, keeps or uses, or permits to be opened, kept or used any enclosure, room or place for the purpose of gaming on a horse race shall be liable on conviction, to imprisonment not exceeding three months or for every day on which such enclosure, room or place is so opened, kept or used to a fine not exceeding five hundred rupees or to both.

(ii) Whoever is found gaming on a horse race shall be liable, on conviction, notwithstanding any provision to the contrary in this Act, to a fine not exceeding five hundred rupees or to imprisonment not exceeding one month.

Power to grant warrant to enter a common gaming-house.

5. ¹ [(1)] If any salaried Magistrate not inferior to a Magistrate of the second class or any Police Officer not below the rank of a Deputy Superintendent of Police has reason to believe that any place is used as a common gaming-house, he may by his warrant give authority to any Police Officer, not below the rank of a Sub-Inspector, to enter with such assistance as may be found necessary, by night or by day, any such place, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such place and also the persons found therein.

¹ [(2)] Any Police Officer having power to issue a warrant under sub-section (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant.]

¹Section 5 was renumbered as section 5 (1) and to the section as renumbered sub-section (2) was added by section 2 of the Madras Gaming (Amendment) Act, 1933 (Madras Act VII of 1933.)

6. Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any place entered or searched under the provisions of the last preceding section, or on any person found therein shall be evidence that such place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house.

7. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, bet or stake.

Proof of playing for stakes unnecessary.

8. Whoever opens, keeps or uses, or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment not exceeding three months, or to both.

Penalty for opening, etc., a common gaming-house.

9. Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Penalty for being found gaming in a common gaming-house.

10. On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by the order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

Instruments of gaming may be ordered to be destroyed on conviction.

11. Nothing in sections 5 to 10 of this Act shall be held to apply to games of mere skill wherever played.

Saving of games of skill.

12. Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place or thoroughfare or publicly fighting cocks, shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding one month; and such instruments of gaming and money shall be forfeited.

Penalty for gaming in public street, etc.

13. Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

Police may arrest without warrant on view of offence.

14. Clause (10) and the last paragraph of section 3 and sections 6, 7 and 9 of the Towns Nuisances Act, 1889, are hereby repealed.

Repeal.

MADRAS ACT No. IV OF 1930.¹

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS
(AMENDMENT) ACT, 1930.]

An Act to amend the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927).

Preamble. WHEREAS it is expedient to amend the Madras Hindu Religious Endowments Act, 1926; It is hereby enacted as follows:—

Short title. 1. This Act may be called “The Madras Hindu Religious Endowments (Amendment) Act, 1930.”

Definition. 2. In this Act, the words “the said Act” shall mean the Madras Hindu Religious Endowments Act, 1926. Madras Act II of 1927.

Repeal of section 4, Madras Act II of 1927. 3. Section 4 of the said Act shall be omitted.

Amendment of section 9, Madras Act II of 1927. 4. In section 9 of the said Act, the following shall be substituted for clause (5):—
[*Vide p. 1666.*]

Amendment of section 18, Madras Act II of 1927. 5. At the end of section 18 of the said Act, the following shall be added as an explanation:—
[*Vide p. 1670.*]

Substitution of new section for section 34, Madras Act II of 1927. 6. The following shall substituted for section 34 of the said Act:—
[*Vide pp. 1674–1675.*]

Amendment of section 35, Madras Act II of 1927. 7. In section 35 of the said Act, for the word and figure “section 18” the words and figures “sections 18, 34 and 35-A” shall be substituted.

Insertion of new section 35-A in Madras Act II of 1927. 8. The following new section shall be inserted after section 35 of the said Act:—
[*Vide p. 1675.*]

Substitution of new section for section 74, Madras Act II of 1927. 9. The following new section shall be inserted after section 74 of the said Act:—
[*Vide p. 1698.*]

Substitution of new section for section 78, Madras Act II of 1927. 10. The following shall be substituted for section 78 of the said Act:—
[*Vide pp. 1699–1700.*]

¹For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 1st October 1929—Part IV, pages 193–194.

1930: Mad. Act IV.] *Hindu Religious Endowments* 1775

1930: Mad. Act V.] *Suppression of Immoral Traffic*

11. Section 82 of the said Act shall be recast as follows:—
[*Vide p. 1700.*]
- Substitution of new section for section 82, Madras Act II of 1927.

12. The following shall be substituted for section 84 of the said Act:—
[*Vide p. 1701.*]
- Substitution of new section for section 84, Madras Act II of 1927.

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930.

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1. Short title.
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4. Definitions.
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6. Removal and disposal of minor girls from brothels, etc.
7. Intermediate custody of girl removed from brothel, etc.
8. Subsequent treatment of girl committed to suitable custody under section 6 (ii).
9. Importing woman or girl for prostitution.
10. Detention for prostitution in brothel or with intent.
11. Procuration.
12. Soliciting for purposes of prostitution.
13. Arrest without warrant.
14. Power to enter premises.
15. Trial of offences.
16. Power of Local Government to make rules.

MADRAS ACT No. V OF 1930.¹

[THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930.]

[22nd April, 1930.]

An Act for the Suppression of Brothels and Immoral Traffic.

WHEREAS it is expedient to make better provision for the suppression of brothels and of traffic in women and girls and for other purposes of a like nature in the Madras Presidency; And whereas the previous sanction of the Governor-General,

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 2nd October 1928—Part IV, pages 101–102.

¹ Sections 1 and 2 were substituted for the original sections by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1931 (Madras Act I of 1932).

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant, or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

6. (i) Where a Magistrate has reason to believe from a report made to him by a Police officer or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a police officer not below the rank of an Inspector specially authorized in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Removal
and disposal
of minor
girls from
brothels, etc.

(ii) A girl who has been so removed shall be brought¹ [before a Court established under sub-section (1) of section 36 of the Madras Children Act, 1920, or where no such Court has been established, before a Court sitting in the manner specified in sub-section (2) of that section] and the Court shall cause an inquiry to be made in the manner provided in sub-section (3) of section 29 of that Act, and, if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed until she attains the age of 21 years or for any shorter period in a rescue home or in such other custody as the Court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

Madras Act IV
1920.

¹ These words were substituted for the words "before a juvenile Court constituted under section 36 of the Madras Children Act, 1920" by section 3 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1931 (Madras Act I of 1932).

(iii) For the determination of the question whether a girl produced before a court under the provisions of this section is under 18 years of age, the provisions of section 37 of the Madras Children Act, 1920, shall be applied.

Madras Act IV
of 1920.

Intermediate
custody of
girl removed
from brothel,
etc.

7. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (i) of section 6, the police officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Local Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

Subsequent
treatment of
girl com-
mitted to
suitable
custody
under
section 6 (ii).

8. When an order that a girl be placed in suitable custody has been passed under sub-section (ii) of section 6, the provisions of the Madras Children Act, 1920, shall, subject to such notifications as the Government may prescribe by rules made under section 16 and notwithstanding her age, thereafter apply to the case of such girl during the period of the said order as if she were a child or young person dealt with under section 29 of the Madras Children Act, 1920.

Madras Act IV
of 1920.

Madras Act IV
of 1920.

Importing
woman or
girl for
prostitution.

9. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Detention
for prostitu-
tion in
brothel or
with intent.

10. (i) Any person who detains any woman or girl against her will

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband,
shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(ii) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(a) withholds from her any jewellery, wearing apparel or other property belonging to her or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person.

(iii) Notwithstanding any law to the contrary, such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to, or to have been pledged by such woman or girl by or to the person by whom she has been detained.

11. Any person who induces a woman or girl to go from Procuration. any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

12. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers, or to offend against public decency, or

Soliciting for purposes of prostitution.

(2) frequents such street or public place, for the purpose of prostitution or of solicitation, so as to constitute a nuisance, or to offend against public decency,

shall be punished, with imprisonment for a term which may extend to two months, or with fine which may extend to one thousand rupees, or with both.

13. Any Police officer (not below the rank of Inspector) on complaint, and any Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 9, 10, 11 and 12 if the name and address of such person be unknown to such Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

Arrest without warrant.

14. Notwithstanding anything contained in any other law for the time being in force, only a Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order may, for the purposes of ascertaining whether an offence punishable under section 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 9, 10, 11 or 12 has been committed.

Power to enter premises.

1780 *Suppression of Immoral Traffic* [1930: Mad. Act V.
State Aid to Industries [1930: Mad. Act VI.
Village Offices [1930: Mad. Act VII.

Trial of
offences.

15. No court inferior to that of a Magistrate as defined in clause (c) of section 4 shall try offences under sections 5, 9, 10, 11 and 12:

Provided that notwithstanding anything contained in clause (c) of section 4, the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

Power of
Local
Government
to make
rules.

16. The Local Government may make rules

(a) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (ii) of section 6, and

(b) for the detention of girls under the provisions of section 7, subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl.

MADRAS ACT No. VI OF 1930.¹

[THE MADRAS STATE AID TO INDUSTRIES (AMENDMENT)
ACT, 1930.]

[13th May, 1930.]

An Act further to amend the Madras State Aid to Industries Act, 1922, for a certain purpose.

Preamble.

WHEREAS it is expedient further to amend the Madras State Aid to Industries Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act V
of 1923.

Short title.

1. This Act may be called the Madras State Aid to Industries (Amendment) Act, 1930.

Amendment
of section 9,
Madras Act
V of 1923.

2. In section 9 of the Madras State Aid to Industries Act, 1922, the following words shall be added at the end, namely:—

Madras Act V
of 1923.

[Vide p. 1490.]

MADRAS ACT No. VII OF 1930.²

[THE MADRAS VILLAGE OFFICES (AMENDMENT),
ACT, 1930.]

[10th June, 1930.]

An Act to amend the Madras Proprietary Estates' Village-service Act, 1894, and the Madras Hereditary Village-Offices Act, 1895.

Preamble.

WHEREAS doubts have been entertained as to the intention and meaning of some of the provisions of the Madras Proprietary Estates' Village-service Act, 1894, and the Madras

Madras Act II
of 1894.
Madras Act III
of 1895.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* dated 12th November 1929—Part IV, page 256.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 28th January 1930—Part IV, page 190.

1930: Mad. Act VII.] Village Offices 1781

1930: Mad. Act VIII.] Andhra University

Hereditary Village-Offices Act, 1895; And whereas it is expedient to remove those doubts; It is hereby enacted as follows:—

1. This Act may be called the Madras Village-Offices Short title. (Amendment) Act, 1930.

Madras Act II
of 1894.

2. In the Madras Proprietary Estates' Village-service Act, Amendment of Madras Act II of 1894.—

(i) for the last sentence of section 13, the following sentences shall be substituted, namely:—

and

[Vide p. 510.]

(ii) in section 15, after sub-section (3), the following sub-section shall be inserted, namely:—

[Vide p. 511.]

Madras Act III
of 1895.

3. In the Madras Hereditary Village-Offices Act, 1895—

Amendment
of Madras
Act III of
1895.

(i) after sub-section (2) of section 6, the following sub-section shall be inserted, namely:—

[Vide p. 519.]

(ii) for the last sentence of sub-section (5) of section 10, the following sentences shall be substituted, namely:—

and

[Vide p. 521.]

(iii) for the last sentence of sub-section (4) of section 11, the following sentences shall be substituted, namely:—

[Vide p. 522.]

MADRAS ACT No. VIII OF 1930.¹

[THE ANDHRA UNIVERSITY (AMENDMENT) ACT, 1930.]

[10th June, 1930.]

An Act further to amend the Andhra University Act, 1925.

Madras Act II
of 1926.

WHEREAS it is expedient further to amend the Andhra Preamble. University Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Andhra University Short title. (Amendment) Act, 1930.

2. In section 15 of the Andhra University Act, 1925 Amendment of section 15, Madras Act II of 1926. (hereinafter referred to as the said Act), under the head "Class III—Other Members"—

(i) in clause (3), for the words "of the University area" the words "of any of the districts of Ganjam,

¹ For Statement of Objects and Reasons see Fort St. George Gazette Extraordinary, dated 27th February 1930—Part IV, page 4.

Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor " shall be substituted;

(ii) in clause (4), for the words " in the University area " the words " in the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor " shall be substituted;

(iii) in sub-clause (a) of clause (5), the words " other than the districts of Bellary, Anantapur, Cuddapah, Kurnool and Chittoor " shall be omitted; and

(iv) in clause (6), for the words " of the University area " the words " of any of the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor " shall be substituted.

Amendment
of section
18, Madras
Act II of
1926.

3. In section 18 of the said Act—

(1) for the head " Class I—Ex-officio Member

The Director of Public Instruction " the head
" Class I—Ex-officio Members

(1) the Director of Public Instruction,

(2) the Financial Secretary to the Local Govern-
ment "; and

(2) in clause (3) of " Class II—Other Members " for
the words " two persons " the words " three persons " shall be substituted.

Insertion of
new sections
19-A and
19-B in
Madras Act
II of 1926.

4. After section 19 of the said Act, the following sections shall be inserted, namely:—

[*Vide pp.* 1632–1633.]

Amendment
of section
37, Madras
Act II of
1926.

5. In section 37 of the said Act—

(i) the word " and " occurring at the end of clause (1)
shall be omitted; and

(ii) at the end of clause (2) the following shall be
inserted, namely:—

[*Vide p.* 1638.]

Insertion of
new sections
37-A, 37-B
and 37-C in
Madras
Act II of
1926.

6. After section 37 of the said Act, the following sections shall be inserted, namely:—

[*Vide p.* 1638.]

1930 : Mad. Act IX] *Sevvalpatti Impartible Estate* 1783

1930 : Mad. Act X.] *District Municipalities*

MADRAS ACT No. IX OF 1930.¹

[THE SEVVALPATTI IMPARTIBLE ESTATE ACT, 1930.]

[24th June, 1930.]

An Act to declare the Sevvalpatti Estate to be an impartible estate within the meaning of the Madras Impartible Estates Act II of 1904.

WHEREAS it is expedient to declare that the Sevvalpatti Estate is an impartible estate and that its proprietor cannot exercise unrestricted powers of alienation in respect thereof;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called The Sevvalpatti Impartible Estate Act, 1930. Short title.

Madras Act II
of 1904.

2. Notwithstanding any decision of court, rule of law or enactment to the contrary, the Sevvalpatti Estate in the Ramnad and Tinnevely districts is hereby declared to be an impartible estate within the meaning of the Madras Impartible Estates Act II of 1904 and shall in the hands of the present owner as well as his heirs and successors, be subject to the provisions of that Act. The Sevvalpatti Estate to be impartible within the meaning of the Madras Impartible Estates Act 1904.

3. This Act shall not affect any alienation made or debt incurred before the coming into force of this Act. Savings.

MADRAS ACT No. X OF 1930.²

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1930.]

[26th August, 1930.]

An Act to amend the Madras District Municipalities Act, 1920.

Madras Act V
1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920; Preamble.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1930. Short title.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 11th March 1930—Part IV, pages 196–197.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, Extraordinary, dated 12th September 1929—Part IV, pages 77–84.

Amendment
of certain
provisions of
Madras Act
V of 1920.

2. (1) In the Madras District Municipalities Act, 1920^{Madras Act V of 1920.} (hereinafter referred to as 'the said Act'), for the words 'Governor in Council' wherever they occur, the words 'Local Government' shall be substituted.

(2) The provisions of the said Act enacted in the first

6. For sub-sections (2) and (3) of section 7 of the said Act, the following sub-sections shall be substituted, namely:—

Amendment
of section 7,
Madras Act
V of 1920.

[*Vide p. 1009.*]

7. In section 8 of the said Act—

Amendment
of section 8,
Madras Act
V of 1920.

(i) in sub-section (1)—

(a) the word 'elected' shall be omitted; and

(b) after the words 'save as otherwise expressly provided,' the words 'in this Act' shall be inserted; and

(ii) in sub-section (2)—

(a) for the words 'Vacancies arising by efflux of time,' the words 'Ordinary vacancies' and for the words 'an elected councillor' the words 'a councillor' shall be substituted;

(b) for the word 'chairman' the words 'election authority' shall be substituted; and

(c) between the words 'on such' and the word 'days' the words 'day or' shall be inserted;

(iii) to the same sub-section, the following proviso shall be added, namely:—

[*Vide p. 1010.*]

(iv) sub-sections (3) and (4) shall be re-numbered as (4) and (5) respectively and the following shall be inserted as sub-section (3), namely:—

[*Vide p. 1010.*]

and

(v) in sub-section (4) as re-numbered, for the words 'an elected councillor' the words 'a councillor' and for the word 'chairman' the words 'election authority' shall be substituted.

8. For section 9 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1010–11.*]

Substitution
of new
section for
section 9,
Madras Act
V of 1920.

9. Section 10 of the said Act shall be omitted.

Repeal of
section 10,
Madras Act
V of 1920.

10. For section 11 of the said Act, the following section shall be substituted, namely:—

[*Not printed. See p. 1011.*]

Substitution
of new
section for
section 11
Madras Act
V of 1920.

11. For section 12 of the said Act, the following sections shall be substituted, namely:—

[*Vide p. 1011.*]

Substitution
of new
sections for
section 12,
Madras Act
V of 1920.

- Amendment of section 13, Madras Act V of 1920. **12.** In clause (a) of section 13 of the said Act, the words 'councillors and' shall be omitted.
- Amendment of section 14, Madras Act V of 1920. **13.** Sub-section (a) of section 14 of the said Act shall be omitted and sub-section (b) re-numbered as section 14.
- Amendment of section 16, Madras Act V of 1920. **14.** In section 16 of the said Act—
[*Not printed. See p. 1015.*]
- Repeal of section 17, Madras Act V of 1920. **15.** Section 17 of the said Act shall be omitted.
- Substitution of new section for section 18, Madras Act V of 1920. **16.** For section 18 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1015.*]
- Amendment of section 20, Madras Act V of 1920. **17.** In sub-section (2) of section 20 of the said Act, after the word 'resolutions' the word 'and' shall be inserted.
- Amendment of section 21, Madras Act V of 1920. **18.** In section 21 of the said Act, the words 'record plan, correspondence or other' shall be omitted.
- Substitution of new section for section 23, Madras Act V of 1920. **19.** For section 23 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1017.*]
- Amendment of section 24, Madras Act V of 1920. **20.** In section 24 of the said Act—
(i) in the first sentence, the words 'of either sex' shall be omitted; and
(ii) in the third sentence, for the word 'sex' the word 'residence' shall be substituted.
- Amendment of section 25, Madras Act V of 1920. **21.** In section 25 of the said Act—
(i) the word 'supplementary' before the word 'regulations' shall be omitted;
(ii) for clause (c), the following clause shall be substituted, namely:—
[*Vide p. 1018.*]
(iii) for clause (e), the following clause shall be substituted, namely:—
[*Vide p. 1018.*]

- (iv) clauses (f) and (g) shall be re-lettered as (g) and (h) respectively, and the following shall be inserted as clause (f), namely:—

[*Vide p. 1018.*]

22. For section 26 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1018–1019.*]

Substitution of new section for section 26, Madras Act V of 1920.

23. In section 27 of the said Act, the words ‘ and appointments ’ shall be omitted.

Amendment of section 27, Madras Act V of 1920.

24. In section 28 of the said Act—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide p. 1020.*]

Amendment of section 28, Madras Act V of 1920.

and

- (ii) in sub-section (3), after the words ‘ for that meeting ’ the words ‘ and during the period that he presides over it ’ shall be inserted.

25. Section 29 of the said Act shall be omitted.

Repeal of section 29, Madras Act V of 1920.

26. In section 30 of the said Act—

- (i) in sub-sections (2) and (3), for the words ‘ such person ’ wherever they occur, the words ‘ such councillor ’ shall be substituted; and

- (ii) after sub-section (4), the following sub-section shall be inserted, namely:—

[*Vide p. 1020.*]

Amendment of section 30, Madras Act V of 1920.

27. In section 31 of the said Act—

- (i) after the words ‘ other than the chairman,’ the words ‘ and any vice-chairman ’ shall be inserted; and

- (ii) the following sentence shall be added at the end, namely:—

[*Vide p. 1021.*]

Amendment of section 31, Madras Act V of 1920.

28. For section 32 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1021.*]

Substitution of new section for section 32, Madras Act V of 1920.

29. In sub-section (3) of section 33 of the said Act, after the word ‘ report ’ the words ‘ and the resolutions thereon, if any ’ shall be inserted.

Amendment of section 33, Madras Act V of 1920.

Amendment
of section
34, Madras
Act V of
1920.

30. In sub-section (2) of section 34 of the said Act—

- (i) in clause (a), for the words ‘municipal council,’ the words ‘council or chairman’ shall be substituted; and the words ‘record, correspondence, plan or other’ shall be omitted;
- (ii) in clause (b), after the word ‘council’ the words ‘or chairman’ shall be inserted;
- (iii) in clause (c), after the word ‘council’ the words ‘or chairman’ and before the word ‘information’ the word ‘any’ shall be inserted; and
- (iv) in clause (d)—
 - (a) after the word ‘council,’ the words ‘or chairman’ shall be inserted;
 - (b) for the words ‘he may’ the words ‘they or he may’ shall be substituted; and
 - (c) after the words ‘its’ the words ‘or his’ shall be inserted.

Substitution
of new
section for
section 36,
Madras Act
V of 1920.

31. For section 36 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1022–1023.*]

Amendment
of section
38, Madras
Act V of
1920.

32. In section 38 of the said Act—

- (i) in sub-section (2), the words ‘registers, books, accounts and other’ shall be omitted; and
- (ii) in sub-section (3), the words ‘records, accounts and other’ shall be omitted.

Substitution
of new
sections for
section 40,
Madras Act
V of 1920.

33. For section 40 of the said Act, the following sections shall be substituted, namely:—

[*Vide pp. 1025–1026.*]

Amendment
of section
41, Madras
Act V of
1920.

34. In section 41 of the said Act—

- (i) in sub-section (1)—
 - (a) for the words ‘dissolved and reconstituted immediately’ the words ‘dissolved and reconstituted on such dates as the Local Government may fix in that behalf’ shall be substituted; and
 - (b) for proviso (a), the following proviso shall be substituted, namely:—

[*Vide p. 1027.*]

and

- (ii) after the same sub-section, the following sub-section shall be inserted, namely:—

[*Vide p. 1027.*]

- (iii) for sub-section (2), the following sub-section shall be substituted, namely:—

[*Vide pp.* 1027–1028.]

- (iv) in sub-section (3)—

(a) in clause (a), for the words ‘the chairman and vice-chairman shall forthwith vacate their office,’ the words ‘its chairman and vice-chairman shall forthwith be deemed to have vacated their offices’ shall be substituted; and

(b) clause (c) shall be omitted;

- (v) in sub-section (4), for the words and figures ‘proviso (a) to section 5, sub-section (1)’ the words and figures ‘proviso (a) to sub-section (1) of section 5’ shall be substituted;

- (vi) in sub-section (5), after the word and figure ‘sub-section (1)’ the words and figure ‘or sub-section (4)’ shall be added; and

- (vii) after sub-section (5), the following sub-section shall be added, namely:—

[*Vide p.* 1029.]

35. In section 42 of the said Act, for the words ‘power to make such contracts’ the words ‘all such powers’ shall be substituted.

Amendment of section 42, Madras Act V of 1920.

36. For section 43 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1029–1030.]

Substitution of new section for section 43, Madras Act V of 1920.

37. In section 44 of the said Act—

- (i) sub-section (2) shall be re-numbered as sub-section (5) and for sub-section (1), the following sub-sections shall be substituted, namely:—

[*Vide p.* 1030.]

- (ii) in sub-section (4), the following words shall be inserted before the words ‘shall remain’:—

‘as revised by the list of amendments and corrections, if any,’; and

- (iii) in sub-section (5) as re-numbered, for the words ‘final electoral roll published under this section’ the words ‘electoral roll as so revised’ shall be substituted.

Amendment of section 44, Madras Act V of 1920.

38. For sections 45 and 46 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1030–1031.]

Substitution of new section for sections 45, and 46, Madras Act V of 1920.

Substitution
of new
section for
section 47,
Madras Act
V of 1920.

39. For section 47 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1031.*]

Amendment
of section
48, Madras
Act V of
1920.

40. In section 48 of the said Act—

(i) in sub-section (1)—

(a) in clause (a), the letter ‘(a)’ at the commencement and the word ‘and’ at the end shall be omitted; and

(b) clause (b) shall be omitted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

[*Vide pp. 1031–1032.*]

Amendment
of section
49, Madras
Act V of
1920.

41. In section 49 of the said Act—

(i) in sub-section (1)—

(a) after the words ‘six months’ the words ‘for any offence other than an offence of a political character or an offence not involving moral delinquency’ shall be inserted; and

(b) the words ‘or appointment’ shall be omitted;

(ii) in sub-section (2)—

(a) in the opening paragraph for the words ‘election or appointment,’ the word ‘election’ and for the words ‘nomination, election or appointment,’ the words ‘nomination or election’ shall be substituted;

(b) clauses (i) to (vi) shall be lettered as (a) to (f) respectively;

(c) in clause (b) as so lettered, before the words ‘an uncertificated bankrupt’ the words ‘an applicant to be adjudicated a bankrupt or insolvent or’ shall be inserted;

(d) in clause (c) as so lettered, for the words ‘an incorporated company’ the words ‘a company’ shall be substituted;

(e) the proviso to the sub-section shall be inserted as a proviso to clause (c) as so lettered; and in the said proviso, for the words ‘such a contract or work as aforesaid’ the words ‘such contract or work’ shall be substituted;

(f) after clause (c) as so lettered, the following clause shall be inserted, namely:—

[*Vide p. 1033.*]

(g) in clause (e) as so lettered, the words ‘or appointment’ shall be omitted and after the word ‘effect’

the words ' or has already been elected a councillor whose term of office has not yet commenced ' shall be inserted; and

- (h) for clause (f) as so lettered, the following clause shall be substituted, namely:—

[*Vide p. 1033.*]

and

- (iii) sub-section (4) shall be omitted.

42. In section 50 of the said Act—

Amendment
of section
50, Madras
Act V of
1920.

- (i) in sub-section (1)—

- (a) in clause (a), before the word ' court,' the word ' criminal ' and before the words ' as is described ' the words ' and for such offence ' shall be inserted;

- (b) in clause (d), for the words and figures ' section 49, sub-section (2) ' the words, figures and letter ' clause (c) of sub-section (2) of section 49 ' and for the words ' an incorporated company ' the words ' a company ' shall be substituted and the words ' or is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council ' shall be omitted;

- (c) after clause (d), the following clause shall be inserted, namely:—

[*Vide p. 1034.*]

- (d) for clause (e) the following clause shall be substituted, namely:—

[*Vide p. 1034.*]

- (e) in clause (f) after the words ' accepts employment under ' the words ' or becomes the official subordinate of ' shall be inserted;

- (f) clause (g) shall be omitted; and

- (g) for clause (i), the following clause shall be substituted, namely:—

[*Not printed. See p. 1034.*]

- (ii) in sub-section (3)—

- (a) for the words and letters ' clause (a) or clause (g) ' the words, figure and letter ' clause (a) of sub-section (1) or under section 60 ' shall be substituted;

- (b) the words ' or appointed ' shall be omitted; and

- (c) the following sentence shall be added at the end, namely:—

[*Vide p. 1035.*]

- (iii) for sub-section (4), the following sub-section shall be substituted, namely:—

[*Vide p. 1035.*]

Amendment
of section
51, Madras
Act V of
1920.

43. In section 51 of the said Act—

- (i) in sub-section (1)—
 - (a) the words ‘or appointed’ shall be omitted;
 - (b) for the words and figures ‘section 49 or section 50’ the words and figures ‘sub-section (1) of section 48, section 49, section 50, or section 60’ shall be substituted; and
 - (c) after the words ‘become disqualified for office’ the words and figures ‘under section 50 or section 60’ shall be inserted;
- (ii) in sub-section (2), for the words and figures ‘section 49 or section 50’ the words and figures ‘sub-section (1) of section 48, section 49, section 50 or section 60’ shall be substituted; and
- (iii) for sub-section (3), the following sub-section shall be substituted, namely:—
[*Vide p. 1036.*]

Repeal of
sections 52,
53, 54, 55,
57, 58 and
59, Madras
Act V of
1920.

44. Sections 52, 53, 54, 55, 57, 58 and 59 of the said Act shall be omitted.

Substitution
of new
section for
section 60,
Madras Act
V of 1920.

45. For section 60 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1036.*]

Amendment
of section
61, Madras
Act V of
1920.

46. In sub-section (1) of section 61 of the said Act, for the word ‘erections’ the word ‘works’ shall be substituted.

Amendment
of section
63, Madras
Act V of
1920.

47. In section 63 of the said Act—

- (i) for the words ‘with the consent of the municipal council make over to a municipal council,’ the words ‘with the consent of a municipal council, make over to the council’ and for the words ‘such council’ the words ‘the council’ shall be substituted; and
- (ii) after the words ‘the council shall manage,’ the words ‘and superintend’ shall be inserted.

Amendment
of section
65, Madras
Act V of
1920.

48. In section 65 of the said Act, for the word ‘purposes,’ the words ‘any purpose’ shall be substituted.

Amendment
of section
66, Madras
Act V of
1920.

49. In section 66 of the said Act, for the words ‘with the consent of the council of any municipality, transfer to any municipal council,’ the words ‘with the consent of a municipal council, transfer to the council’ and for the words ‘lawful for such council to undertake the management of the

institution or the execution of the work,' the words 'lawful for the council to undertake such management or execution' shall be substituted.

50. In sub-sections (1) and (2) of section 68 of the said Act, for the expression 'Rs. 500' the words 'one thousand rupees' shall be substituted.

Amendment of section 68, Madras Act V of 1920.

51. In sub-section (1) of section 69 of the said Act, for the expression 'Rs. 100,' the words 'one hundred rupees' shall be substituted.

Amendment of section 69, Madras Act V of 1920.

52. For section 70 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1039–1040.]

Substitution of new section for section 70, Madras Act V of 1920.

53. For section 71 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1040.]

Substitution of new section for section 71, Madras Act V of 1920.

54. In section 72, after sub-section (3), the following sub-section shall be added, namely:—

[*Vide p.* 1041.]

Amendment of section 72, Madras Act V of 1920.

55. For section 73 of the said Act, the following section shall be substituted, namely:—

[*Not printed. See p.* 1041.]

Substitution of new section for section 73, Madras Act V of 1920.

56. In section 74 of the said Act—

(i) in the opening paragraph, for the words and figures 'provisions of sections 12, 17, 71 and 77 and any rules made by the Governor in Council' the words 'provisions of this Act and any rules which the Local Government may make in this behalf' shall be substituted;

Amendment of section 74, Madras Act V of 1920.

(ii) in clause (c), for the words 'and acting allowances' the words 'acting allowances and travelling allowances' shall be substituted; and

(iii) in proviso (i), for the words 'and leave allowances, gratuity or pension granted under these regulations' the words 'leave allowances, travelling allowances, pension or gratuity provided for in such regulations' shall be substituted.

57. In section 75 of the said Act—

(i) for the word 'fine,' the words 'censure, fine, withhold promotion from' shall be substituted; and

(ii) after the words 'municipal officer or servant,' the words 'in its service' shall be inserted:

Amendment of section 75, Madras Act V of 1920.

Insertion of
new section
77-A in
Madras Act
V of 1920.

58. After section 77 of the said Act, the following section shall be added, namely:—

[*Vide p. 1044.*]

Amendment
of section
78, Madras
Act V of
1920.

59. In section 78 of the said Act—

- (i) clause (b) of sub-section (1) shall be omitted and clauses (c) to (f) re-lettered as (b) to (e) respectively;
- (ii) in the first proviso—
 - (a) for the words ‘carrying into effect,’ the word ‘passing’ shall be substituted; and
 - (b) after the words ‘publish a notice,’ the words ‘in the district gazette and at least one vernacular newspaper’ shall be inserted;
- (iii) in the second proviso, for the word ‘Government’ occurring for the first time, the words ‘the Local Government’ shall be substituted; and
- (iv) after the second proviso, the following additional proviso shall be inserted, namely:—

[*Vide p. 1045.*]

60. In section 79 of the said Act—

Amendment
of section
79, Madras
Act V of
1920.

- (i) in clause (a), for the words and figures ‘the Indian Income-tax Act, VII of 1918,’ the words ‘any Act of the Indian Legislature for the time being in force’ shall be substituted and the words ‘the tax on companies and of’ shall be omitted; and
- (ii) in clause (b), for the words ‘entering or leaving the municipality by railway,’ the words ‘travelling by railway from any station notified under section 116 in or near the municipality’ shall be substituted; and
- (iii) to the same clause, the following proviso shall be added, namely:—

[*Vide p. 1046.*]

Amendment
of section
80, Madras
Act V of
1920.

61. In section 80 of the said Act, for the words ‘the tax or toll will be levied from a day to be specified in the notification’ the words ‘the date from which and the period of levy, if any, for which such tax or toll shall be levied’ shall be substituted.

Amendment
of section
81, Madras
Act V of
1920.

62. In section 81 of the said Act—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide pp. 1046–1047.*]

- (ii) in sub-section (2)—

(a) for the words ‘These taxes’ at the commencement, the words ‘Save as otherwise provided in this Act, these taxes’ shall be substituted; and

(b) for the words 'lands and buildings,' the words 'lands or buildings or both' shall be substituted; and

(iii) after sub-section (2), the following sub-sections shall be substituted, namely:—

[*Vide p. 1047.*]

63. In section 82 of the said Act—

(i) in sub-section (2), after the word 'deduction,' the words 'in the case of buildings only' shall be inserted; and

Amendment
of section
82, Madras
Act V of
1920.

(ii) in the proviso—

(a) for clause (a), the following clause shall be substituted, namely:—

[*Vide p. 1048.*]

and

(b) in clause (b), after the word 'machinery' the words 'and furniture' shall be inserted.

64. (1) Section 83 of the said Act shall be re-numbered as sub-section (1) of section 83 and in the section as re-numbered—

Amendment
of section
83, Madras
Act V of
1920.

(i) in clause (a), for the words 'buildings used for educational purposes and libraries and play-grounds which are open to the public and from which no income is derived' the words 'buildings used for educational purposes including hostels, public buildings and places used for the charitable purpose of sheltering the destitute or animals, libraries and play-grounds which are open to the public and such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or as public offices,' shall be substituted;

(ii) at the end of clause (b), the following words shall be inserted, namely:—

[*Vide p. 1049.*]

(iii) for clause (c), the following clause shall be substituted, namely:—

[*Vide p. 1049.*]

and

(iv) the following explanation shall be inserted at the end, namely:—

[*Vide p. 1049.*]

(2) To the section as re-numbered, the following sub-sections shall be added, namely:—

[*Vide p. 1049.*]

Substitution
of new
section for
section 84,
Madras Act
V of 1920.

65. For section 84 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1049–1050.]

Substitution
of new
section for
section 86,
Madras Act
V of 1920.

66. For section 86 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1050.]

Substitution
of new
section for
section 87,
Madras Act
V of 1920.

67. For section 87 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1050.]

Substitution
of new
section for
sections 89
and 90,
Madras Act
V of 1920.

68. For sections 89 and 90 of the said Act, the following sections shall be substituted, namely:—

Amendment
of section
91, Madras
Act V of
1920.

69. In sub-section (1) of section 91 of the said Act—

(a) for the words 'within a week after the service of the notice' the words 'within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within seven days after such service in other cases' shall be substituted; and

(b) after the words 'measurements of the land,' the words 'and with such other information as the chairman may require' shall be inserted.

Repeal of
section 92,
Madras Act
V of 1920.

70. Section 92 of the said Act and the heading thereof shall be omitted.

Substitution
of new sec-
tion for
section 93,
Madras Act
V of 1920.

71. For section 93 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1054–1055.]

Substitution
of new sec-
tions for sec-
tion 94,
Madras Act
V of 1920.

72. For section 94 of the said Act, the following sections shall be substituted, namely:—

[*Vide p.* 1055.]

Substitution
of new sec-
tions for
section 95,
Madras Act
V of 1920.

73. For section 95 of the said Act and the heading occurring before that section, the following sections shall be substituted, namely:—

[*Vide p.* 1055.]

74. In section 96 of the said Act—

- (i) for the words 'persons occupying such building or land,' the words 'persons occupying such building, land, hotel, boarding or lodging house, club, or residential chambers' shall be substituted; and
- (ii) the word 'trade' occurring after the words 'profession, art' shall be omitted.

Amendment
of section
96, Madras
Act V of
1920.

75. In clause (b) of section 97 of the said Act, for the words 'incorporated company' the word 'company' shall be substituted.

Amendment
of section
97, Madras
Act V of
1920.

76. For sub-section (1) of section 98 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide p. 1056.*]

Amendment
of section
98, Madras
Act V of
1920.

77. In section 99 of the said Act—

- (i) in sub-section (1), the words 'or let out for hire' shall be omitted; and
- (ii) in sub-section (3), for the words 'is leviable' the words 'shall be leviable' shall be substituted.

Amendment
of section
99, Madras
Act V of
1920.

78. The proviso to clauses (d), (e) and (f) of section 100 of the said Act shall be omitted and to the said section the following proviso shall be added, namely:—

[*Vide p. 1057.*]

Amendment
of section
100, Madras
Act V of
1920.

79. In section 102 of the said Act—

- (i) in sub-section (1), for the words 'carriage or animal tax' the words 'tax on carriages and animals' shall be substituted; and
- (ii) after sub-section (2), the following sub-section shall be added, namely:—

[*Vide p. 1058.*]

Amendment
of section
102, Madras
Act V of
1920.

80. In section 105 of the said Act—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide p. 1059.*]

and

- (ii) in sub-section (6), for the word 'tax-payer,' the words 'person who pays any tax to the municipality' shall be substituted.

Amendment
of section
105, Madras
Act V of
1920.

81. In section 106 of the said Act, the words 'or let out for hire' shall be omitted.

Amendment
of section
106, Madras
Act V of
1920.

82. After section 106 of the said Act, the following heading and section shall be inserted, namely:—

[*Vide pp. 1059–1060.*]

Insertion of
new section
106-A in
Madras Act
V of 1920.

Amendment
of section
108, Madras
Act V of
1920.

83. In sub-section (1) of section 108 of the said Act—
(i) for the words 'If the chairman of a hill station municipality publishes a notification under section 80,' the words 'If a hill station municipal council by a resolution determines' and for the words 'he shall collect,' the words 'the chairman shall collect' shall be substituted; and
(ii) after the words 'specified in the notification,' the words and figures 'published under section 80 in pursuance of such resolution' shall be inserted.

Amendment
of section
110, Madras
Act V of
1920.

84. In section 110 of the said Act—
[*Vide p. 1061.*]

Amendment
of section
111, Madras
Act V of
1920.

85. (1) In sub-section (1) of section 111 of the said Act—
[*Vide p. 1061.*]
(2) To the same section—
[*Vide p. 1061.*]

Amendment
of section
114, Madras
Act V of
1920.

86. In section 114 of the said Act—
[*Vide p. 1061.*]

Amendment
of section
115, Madras
Act V of
1920.

87. In section 115 of the said Act—
(i) in sub-section (1), for the words and figures 'tax payable under the Indian Income-tax Act, 1918,' the words 'income-tax payable under any Act of the Indian Legislature for the time being in force' shall be substituted;
(ii) in sub-section (3), for the words and figures 'the Indian Income-tax Act, 1918,' the words and figures 'the Indian Income-tax Act, 1922,' shall be substituted; and
(iii) in sub-section (4), for the words and figures 'section 36 of the said Act' the words and figures 'section 46 of the Indian Income-tax Act, 1922,' shall be substituted.

Substitution
of new
section for
section 116,
Madras Act
V of 1920.

88. For section 116 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1062-1063.*]

Amendment
of section
117, Madras
Act V of
1920.

89. To section 117 of the said Act, the following sentence shall be added, namely:—
[*Vide p. 1064.*]

Substitution
of new sec-
tion for
section 118,
Madras Act
V of 1920.

90. For section 118 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1064.*]

91. In section 120 of the said Act, for the words ' in the month of February ' the words ' before the end of December ' and for the words ' the end of February ' the words ' such date as may be fixed by them in that behalf ' and for the words ' after any part of it, ' the words ' modify any part of the budget ' shall be substituted.

92. After section 124 of the said Act, the following section shall be inserted, namely:—
[*Vide p. 1065.*]

Insertion of new section 124-A in Madras Act V of 1920.

93. In clause (a) of the proviso to section 139 of the said Act, for the words, figures and letter ' section 84, clause (c), ' the words and figures ' sub-section (5) of section 83 ' shall be substituted.

Amendment of section 139, Madras Act V of 1920.

94. Sections 154 and 155 of the said Act shall be omitted.

Repeal of sections 154 and 155, Madras Act V of 1920.

95. For section 156 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1076.*]

Substitution of new section for section 156, Madras Act V of 1920.

96. (1) Sub-section (1) of section 158 of the said Act shall be omitted and sub-section (2) of the same section shall be re-numbered as section 158.

Amendment of section 158, Madras Act V of 1920.

(2) The proviso to the section as re-numbered shall be omitted.

97. Section 162 of the said Act shall be re-numbered as sub-section (1) of section 162, and to that section as re-numbered, the following sub-section shall be added, namely:—

Amendment of section 162, Madras Act V of 1920.

[*Vide p. 1077.*]

98. In sub-section (2) of section 170 of the said Act—

(i) after the words ' shall not ' the word ' ordinarily ' shall be inserted; and

(ii) the proviso shall be omitted.

Amendment of section 170, Madras Act V of 1920.

99. After section 174 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1082-1083.*]

Insertion of new section 174-A in Madras Act V of 1920.

100. For sub-sections (2) and (3) of section 183 of the said Act, the following sub-sections shall be substituted, namely:—

[*Vide p. 1086.*]

Amendment of section 183, Madras Act V of 1920.

- Amendment of section 197, Madras Act V of 1920.** **101.** To sub-section (1) of section 197 of the said Act, the following explanation shall be added, namely:—
[*Vide p. 1091.*]
- Amendment of section 225, Madras Act V of 1920.** 'Sanitary Commissioner' the words 'Director of Public Health' shall be substituted.
- Amendment of section 235, Madras Act V of 1920.** **103.** In section 235 of the said Act, for the word 'order' occurring at the end, the word 'notice' shall be substituted.
- Repeal of section 248, Madras Act V of 1920.** **104.** Section 248 of the said Act shall be omitted.
- Amendment of section 249, Madras Act V of 1920.** **105.** For the proviso to sub-section (1) of section 249 of the said Act, the following proviso shall be substituted, namely:—
[*Vide p. 1107.*]
- Amendment of section 250, Madras Act V of 1920.** **106.** In section 250 of the said Act—
(i) for sub-section (2), the following sub-section shall be substituted, namely:—
[*Vide p. 1108.*]
(ii) for sub-section (4), the following sub-section shall be substituted, namely:—
[*Vide p. 1108.*]
and
(iii) in sub-section (5), for the word and figures 'section 197' the words and figures 'sections 197 and 199 or sections 208 and 209, as the case may be' shall be substituted.
- Amendment of section 252, Madras Act V of 1920.** **107.** In section 252 of the said Act—
(i) after the words 'action taken' the words 'or omitted to be taken' shall be inserted; and
(ii) the words 'by the municipal council' shall be omitted.
- Amendment of section 255, Madras Act V of 1920.** **108.** (1) In sub-section (1) of section 255 of the said Act, for the words 'in the municipality' the words 'within municipal limits or at a distance within three miles of such limits' shall be substituted; and the words 'or of any place within three miles of the municipal limits which is used as a slaughter-house for the slaughtering of animals intended for food to be consumed within the municipality' shall be omitted.
(2) To the same sub-section, the following proviso shall be added, namely:—
[*Vide p. 1110.*]

109. In section 259 of the said Act, before the word 'constructed' the word 'acquired,' shall be inserted.

Amendment of section 259, Madras Act V of 1920.

110. For sub-section (2) of section 260 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide p. 1112.*]

Amendment of section 260, Madras Act V of 1920.

111. In sub-section (1) of section 261 of the said Act, for the words 'rents and fees,' the word 'fees' shall be substituted.

Amendment of section 261, Madras Act V of 1920.

112. For section 262 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1112–1113.*]

Substitution of new section for section 262, Madras Act V of 1920.

113. After section 262 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1113.*]

Insertion of new section 262-A in Madras Act V of 1920.

114. In section 267 of the said Act, the words 'any private market' in the second place where they occur, shall be omitted and after the word 'suspended' at the end, the words 'or which is held or kept open contrary to the provisions of this Act' shall be added.

Amendment of section 267, Madras Act V of 1920.

115. After section 267 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1114.*]

Insertion of new section 267-A in Madras Act V of 1920.

116. After the proviso to sub-section (1) of section 269 of the said Act, the following further proviso shall be added, namely:—

[*Vide p. 1115.*]

Amendment of section 269, Madras Act V of 1920.

117. In section 270 of the said Act, before the word 'articles' the words 'animals or' shall be inserted.

Amendment of section 270, Madras Act V of 1920.

118. After section 270 of the said Act, the following heading and sections shall be inserted, namely:—

[*Vide pp. 1115–1116.*]

Insertion of new sections 270-A, 270-B, 270-C, 270-D, and 270-E in Madras Act V of 1920.

119. In sub-section (2) of section 286 of the said Act, for the word 'Such' at the commencement, the words 'Information of births and deaths shall be given and their' shall be substituted.

Amendment of section 286, Madras Act V of 1920.

- Amendment of section 289, Madras Act V of 1920. **120.** In section 289 of the said Act, after the word 'chairman' the words 'or health officer' shall be inserted.
- Amendment of section 290, Madras Act V of 1920. **121.** In section 290 of the said Act—
 (i) in sub-sections (1) and (2), after the word 'chairman' wherever it occurs, the words 'or health officer' shall be inserted; and
 (ii) in sub-section (2), for the words 'such building or article' the words 'such premises or article' shall be substituted.
- Amendment of section 300, Madras Act V of 1920. **122.** In sub-section (1) of section 300 of the said Act, for the words 'to the extent prescribed by rules made by the Governor in Council' the words 'in respect of such persons and to such extent as may be prescribed' shall be substituted.
- Amendment of section 303, Madras Act V of 1920. **123.** In sub-section (2) of section 303 of the said Act—
 (i) for clauses (b) and (c) the following clause shall be substituted, namely:—
 [Vide p. 1127.]
 (ii) in clause (e), for the words 'establishment and maintenance' the word 'working' shall be substituted;
 (iii) in clause (h), the words 'or the Sanitary Board' shall be omitted;
 (iv) for clause (n), the following clause shall be substituted, namely:—
 [Vide p. 1128.]
 (v) clause (o) shall be omitted; and
 (vi) after clause (p), the following clauses shall be added, namely:—
 [Vide p. 1128.]
- Amendment of sections 304 and 305, Madras Act V of 1920. **124.** (1) Sections 304 and 305 of the said Act shall be re-numbered as 305 and 304, respectively.
 (2) In section 304 as re-numbered, for the words and figures 'sections 303 and 304' the word and figures 'section 303' shall be substituted.
 (3) (a) In sub-section (1) of section 305 as renumbered, for the words and figures 'Schedule II, Schedule V, Schedule VI or Part II of Schedule IV' the words and figures 'any of the Schedules to this Act except Schedules I, VII and VIII' shall be substituted.
 (b) After the same section, the following section shall be inserted, namely:—
 [Vide p. 1129.]
- Insertion of new section 305-A in Madras Act V of 1920.

125. In section 306 of the said Act—

- (i) clause (1) shall be renumbered as clause (1-A) and the following shall be inserted as clause (1), namely :—
[*Vide p. 1130.*]

Amendment
of section
306, Madras
Act V of
1920.

- (ii) after clause (2), the following clause shall be inserted, namely :—
[*Vide p. 1130.*]

- (iii) after sub-clause (b) of clause (18), the following sub-clause shall be added, namely :—
[*Vide p. 1132.*]

and

- (iv) after clause (23) the following clause shall be inserted, namely :—
[*Vide p. 1133.*]

126. For sections 309 and 310 of the said Act, the following sections shall be substituted, namely :—
[*Vide pp. 1133–34.*]

Substitution
of new
sections for
sections 309
and 310,
Madras Act
V of 1920.

127. In clause (b) of section 311 of the said Act, for the words, figures and letters ' clauses (b) and (c) of section 303 ' the words, figures and letter ' clause (b) of sub-section (2) of section 303 ' shall be substituted.

Amendment
of section
311, Madras
Act V of
1920.

128. For section 314 of the said Act, the following section shall be substituted, namely :—
[*Vide p. 1135.*]

Substitution
of new
section for
section 314,
Madras Act
V of 1920.

129. After the proviso to section 315 of the said Act, the following further proviso shall be added, namely :—
[*Vide p. 1136.*]

Amendment
of section
315, Madras
Act V of
1920.

130. In section 321 of the said Act—

- (i) for sub-section (2), the following sub-section shall be substituted, namely :—
[*Vide p. 1138.*]

Amendment
of section
321, Madras
Act V of
1920.

- (ii) after sub-section (3), the following sub-section shall be inserted, namely :—
[*Vide p. 1138.*]

- (iii) in sub-section (5), the words ' and to such appeal as may be provided in case of refusal ' shall be omitted; and

- (iv) in sub-section (9), after the words ' for registration ' the words ' and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution ' shall be added.

Amendment
of section
322, Madras
Act V of
1920.

131. Clauses (f) and (g) of sub-section (1) of section 322 of the said Act shall be relettered as clauses (d) and (e), respectively, and for clauses (b), (c), (d) and (e) the following clauses shall be substituted, namely:—

[*Vide pp. 1140–1141.*]

Amendment
of section
323, Madras
Act V of
1920.

132. In section 323 of the said Act, for the words ‘be presented within thirty days after the date of receipt of the order or proceeding against which the appeal is made,’ the words and letters ‘be presented—

(a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the municipal council; and

(b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made’

shall be substituted.

Amendment
of section
328, Madras
Act V of
1920.

133. In section 328 of the said Act, for the words ‘Every notification under this Act’ the words ‘Save as otherwise provided, every notification under this Act other than one issued by the Local Government’ shall be substituted.

Amendment
of section
331, Madras
Act V of
1920.

134. In sub-section (3) of section 331 of the said Act, for the words ‘or form’ the words ‘form or other document’ shall be substituted.

Amendment
of section
340, Madras
Act V of
1920.

135. In sub-section (1) of section 340 of the said Act, for the words and figures ‘sections 139 and 155,’ the word and figures ‘section 139’ shall be substituted.

Amendment
of section
344, Madras
Act V of
1920.

136. In section 344 of the said Act—

(i) after the word ‘damages’ the word ‘penalties’ shall be inserted; and

(ii) for the words ‘drainage or scavenging,’ the words ‘or drainage,’ for the words ‘special provision for their recovery contained in this Act’ the words ‘special provision in this Act for their recovery’ and for the words ‘in those rules’ at the end, the word ‘therein’ shall be substituted.

Amendment
of section
347, Madras
Act V of
1920.

137. In section 347 of the said Act—

(i) the words ‘Save as provided in section 59’ shall be omitted; and

(ii) after the words ‘Code of Criminal Procedure’ the figures ‘1898’ shall be inserted.

138. For sub-section (2) of section 348 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide p. 1149.*]

Amendment
of section
348, Madras
Act V of
1920.

139. Clause (c) of section 351 of the said Act shall be omitted and clauses (d) to (i) relettered as (c) to (h), respectively.

Amendment
of section
351, Madras
Act V of
1920.

140. After section 351 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1151.*]

Insertion of
new section
351-A in
Madras Act
V of 1920.

141. In section 352 of the said Act—

- (i) after the words 'maintainable against' the words 'the Local Government, the district collector, the revenue divisional officer or' shall be inserted; and
- (ii) the words 'or any other law' shall be omitted.

Amendment
of section
352, Madras
Act V of
1920.

142. In sub-section (1) of section 353 of the said Act, for the words 'Secretary of State for India' the words 'Secretary of State for India in Council' shall be substituted.

Amendment
of section
353, Madras
Act V of
1920.

143. After section 353 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1152.*]

Insertion of
new section
353-A in
Madras Act
V of 1920.

144. In sub-section (1) of section 354 of the said Act before the words 'for defect in form' the word 'merely,' shall be inserted.

Amendment
of section
354, Madras
Act V of
1920.

145. In section 363 of the said Act, for the words and figures 'except those mentioned in Chapters II and III' the words and figures 'except the powers mentioned in Chapters II and III, the power to determine the amount of contribution under section 156, the power to make rules under sub-section (2) of section 77-A and sections 303 and 305 and the power to sanction prosecution under section 353-A' shall be substituted.

Amendment
of section
363, Madras
Act V of
1920.

146. For section 368 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1157-1158.*]

Substitution
of new
section for
section 368,
Madras Act
V of 1920.

147. After section 368 of the said Act, the following section shall be added, namely:—

[*Vide p. 1158.*]

Insertion of
new section
369 in
Madras Act
V of 1920.

Amendment
of Schedule
III, Madras
Act V of
1920.

148. In Schedule III to the said Act—

(i) to rule 1, the following proviso and explanation shall be added, namely:—

[*Vide p. 1160.*]

(ii) for rules 2 and 3, the following rules shall be substituted, namely:—

[*Vide p. 1160.*]

(iii) in rule 5, after the words 'shall have', the words 'and exercise.' shall be inserted;

(iv) in rule 8, the words 'the votes of' shall be omitted;

(v) in rule 9, for the words 'chairman or the member who presided at such meeting', the words 'presiding member' shall be substituted; and

(vi) rule 13 shall be omitted.

Substitution
of new rules
for rules 2 to
4 of
Schedule IV,
Madras Act
V of 1920.

149. For rules 2 to 4 of Schedule IV to the said Act (hereinafter referred to as the said Schedule IV), and the heading occurring before the said rules, the following heading and rules shall be substituted, namely:—

[*Vide p. 1162.*]

Substitution
of new rules
for rules 6 to
12 of
Schedule IV,
Madras Act
V of 1920.

150. For rules 6 to 12 of the said Schedule IV, the following rules shall be substituted, namely:—

[*Vide pp. 1163–1164.*]

Amendment
of rule 13 of
Schedule
IV, Madras
Act V of
1920.

151. In rule 13 of the said Schedule IV, after the words 'within fifteen days' in the first place where they occur, the words 'after the date of receipt of such intimation' shall be inserted.

Substitution
of new rules
for rules 14
to 19 of
Schedule
IV, Madras
Act V of
1920.

152. For rules 14 to 19 of the said Schedule IV and the headings relating to rules 16 to 19 of the said rules, the following shall be substituted, namely:—

[*Vide pp. 1164–1167.*]

Amendment
of rule 20 of
Schedule IV,
Madras Act
V of 1920.

153. In rule 20 of the said Schedule IV—

[*Vide p. 1167.*]

Amendment
of rule 21 of
Schedule IV,
Madras Act
V of 1920.

154. In the table of tolls in sub-rule (1) of rule 21 of the said Schedule IV—

[*Vide p. 1168.*]

Repeal of
rule 22 of
Schedule IV,
Madras Act
V of 1920.

155. Rule 22 of the said Schedule IV and the headings thereof shall be omitted.

156. For rule 23 of the said Schedule IV, the following rule shall be substituted, namely:—
[*Vide p. 1168.*]

Substitution of new rule for rule 23 of Schedule IV, Madras Act V of 1920.

157. In rule 26 of the said Schedule IV—

- (i) in sub-clause (i) of clause (a), the words 'or sending' and the words 'or table' shall be omitted; and
- (ii) in clause (b), before the words 'on or before the day upon which the appeal is presented,' the words 'within the period specified in sub-clause (i), (ii) or (iii) of clause (a), as the case may be, or where an appeal is presented for admission under the proviso to the said clause' shall be inserted.

Amendment of rule 26 of Schedule IV, Madras Act V of 1920.

158. In rule 27 of the said Schedule IV—

- (i) for the word and figure 'rule 3,' the words and figures 'sub-rule (1) of rule 2,' and for the word 'decreased' the word 'reduced' shall be substituted; and
- (ii) after the words 'passed by the council' the words and figures 'under rule 24 or' shall be inserted.

Amendment of rule 27 of Schedule IV, Madras Act V of 1920.

159. (1) In rule 28 of the said Schedule IV for the words 'the adjudication of an appeal by the council,' the words 'when such an appeal is made the adjudication of the council thereon' shall be substituted.

Amendment of rule 28 of Schedule IV, Madras Act V of 1920.

(2) To the same rule, the following proviso shall be added, namely:—

[*Vide p. 1170.*]

160. After rule 28 of the said Schedule IV, the following rule shall be inserted, namely:—
[*Vide p. 1170.*]

Insertion of new rule 28-A in Schedule IV, Madras Act V of 1920.

161. In rule 29 of the said Schedule IV—

- (i) for sub-rule (1), the following sub-rule shall be substituted, namely:—
[*Vide p. 1170.*]

Amendment of rule 29 of Schedule IV, Madras Act V of 1920.

- (ii) in sub-rule (2), for the words 'Such bill,' the words and figures 'A notice under section 95, 102 or 103 and a bill under sub-rule (1)' shall be substituted; and

- (iii) after sub-rule (2), the following sub-rule shall be inserted, namely:—

[*Vide p. 1171.*]

162. In rule 30 of the said Schedule IV—

- (i) in sub-rule (1), the words 'or sending' and the word 'table' shall be omitted;
- (ii) in sub-rule (3), for the word 'amount,' the word 'tax' shall be substituted; and

Amendment of rule 30 of Schedule IV, Madras Act V of 1920.

- (iii) in sub-rule (4), for the words 'shall be leviable,' the words 'shall be levied' shall be substituted.

Amendment
of rule 31 of
Schedule
V, Madras
Act V of
1920.

163. In rule 31 of the said Schedule IV—

- (i) in sub-rule (1)—

- (a) for the words 'but, if not,' the words 'but if the tax or fee is not paid' shall be substituted; and
(b) to clause (c), the following proviso shall be added, namely:—

[*Vide p. 1172.*]

and

- (ii) in sub-rule (2), for the words 'proportionate in value to the sum,' the words 'equal in value to the tax' shall be substituted.

Amendment
of rule 32 of
Schedule
V, Madras
Act V of
1920.

164. In sub-rule (3) of rule 32 of the said Schedule IV, for the words 'which to his knowledge was not liable,' the words 'when to his knowledge it was not liable' shall be substituted.

Amendment
of rule 34 of
Schedule
V, Madras
Act V of
1920.

165. In rule 34 of the said Schedule IV, for the word and figures 'rule 30,' the words and figures 'sub-rule (1) of rule 30' shall be substituted.

Amendment
of rule 35 of
Schedule
V, Madras
Act V of
1920.

166. In rule 35 of the said Schedule IV—

- (i) for the words and figures 'remains unpaid at the end of the period mentioned in rule 30,' the words and figures 'remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30' shall be substituted;
(ii) after the words 'within a specified period,' the words 'not being less than fifteen days' shall be inserted;
(iii) for the words 'this requisition,' the words 'such requisition' shall be substituted; and
(iv) for the words 'found on the premises,' the words 'found on the building or land' shall be substituted.

Insertion of
new rule
5-A in
Schedule
V, Madras
Act V of
1920.

167. After rule 35 of the said Schedule IV, the following rule shall be inserted, namely:—

[*Vide pp. 1173–1174.*]

Amendment
of rule 36 of
Schedule
V, Madras
Act V of
1920.

168. (1) Rule 36 of the said Schedule IV shall be re-numbered as sub-rule (1) of rule 36 and in the rule as re-numbered—

- (i) for the words and figures 'under rule 30,' the words and figures 'under sub-rule (2) of rule 30' shall be substituted;

- (ii) in clause (b), the words ' and he shall and pay the said amount and the costs of the prosecution ' shall be omitted; and
- (iii) clause (c) shall be omitted.

(2) To the rule as re-numbered, the following sub-rule shall be added, namely:—

[*Vide p. 1174.*]

169. After rule 36 of the said Schedule IV, the following rule shall be inserted, namely:—

[*Vide p. 1174.*]

Insertion of new rule 36-A in Schedule IV, Madras Act V of 1920.

170. In rule 39 of the said Schedule IV—

- (i) in clause (c), before the words ' of latrines,' the words ' of shops, stalls and plinths ' shall be inserted; and
- (ii) in clause (e), the words ' and the acquisition of land for any of the aforesaid purposes ' shall be added at the end.

Amendment of rule 39 of Schedule IV, Madras Act V of 1920.

171. In clause (e) of rule 40 of the said Schedule IV for the words ' other industrial concerns,' the words ' other agricultural, industrial or trading concerns ' shall be substituted.

Amendment of rule 40 of Schedule IV, Madras Act V of 1920.

172. In sub-rule (1) of rule 55 of the said Schedule IV, for the first two sentences beginning with the words ' All orders or cheques ' and ending with the words ' under the council,' the following sentence shall be substituted, namely:—

Amendment of rule 55 of Schedule IV, Madras Act V of 1920.

[*Vide p. 1182.*]

173. For Appendices A, B and C to the said Schedule IV, the following Appendices shall be substituted, namely:—

[*Vide pp. 1184-1185.*]

Substitution of new Appendices for Appendices A, B and C of Schedule IV, Madras Act V of 1920.

174. In Schedule V to the said Act—

- (i) in clause (g), for the word ' making ' occurring before the word ' bricks,' the word ' burning ' shall be substituted;

Amendment of Schedule V, Madras Act V of 1920.

- (ii) for clause (g), the following clauses shall be substituted, namely:—

[*Vide p. 1186.*]

- (iii) in the proviso, before the words ' for private use,' the words ' when such storage or boiling is ' shall be inserted.

Amendment
of Schedule
VII, Madras
Act V of
1920.

175. In Schedule VII to the said Act—

- (i) before the item relating to section 88, the following item shall be inserted, namely:—

[*Vide p. 1187.*]

- (ii) in the item relating to section 89, the figure ' (1) ' shall be entered in the second column;

- (iii) in the item relating to section 102, the figure ' (2) ' shall be entered in the second column;

- (iv) after the item relating to section 105, sub-section (3), the following item shall be inserted, namely:—

[*Vide p. 1188.*]

- (v) for the figures ' 119 ' in the first column of the item occurring next after the item relating to section 113, the figures ' 127 ' shall be substituted;

- (vi) in the item relating to section 143, the figure ' (2) ' in the second column shall be omitted;

- (vii) for the items relating to section 158, the following item shall be substituted, namely:—

[*Vide p. 1188.*]

- (viii) after the item relating to section 167, the following item shall be inserted, namely:—

[*Vide p. 1189.*]

- (ix) after the item relating to section 173, the following items shall be inserted, namely:—

[*Vide p. 1189.*]

- (x) for the figures ' 183 ' in the first column of the item occurring next after the item relating to section 178, the figures ' 180 ' shall be substituted;

- (xi) after the item relating to section 190, sub-section (3), the following items shall be inserted, namely:—

[*Vide p. 1189.*]

- (xii) in the items relating to sections 228, 230 and 231, for the entries in the fourth column, the words ' Fifty rupees, ' ' Twenty rupees ' and ' Fifty rupees ' shall respectively be substituted;

- (xiii) after the item relating to section 247, the following item shall be inserted, namely:—

[*Vide p. 1191.*]

- (xiv) in the third column of the item relating to section 261, the words ' of food ' shall be omitted.

- (xv) (a) in the third column of the item relating to section 270, for the words, ' Sale of article in public streets ' the words ' Sale or exposure for sale of animal or article in public street ' shall be substituted; and

(b) after the same item, the following items shall be inserted, namely:—

[*Not printed. See p. 1191.*]

(xvi) in the third column of the item relating to section 275, for the word and figures 'section 269' the word and figures 'section 274' shall be substituted;

(xvii) after the item relating to section 275, the following item shall be inserted, namely:—

[*Vide p. 1192.*]

(xviii) for the figures '300' in the first column of the item occurring next after the item relating to section 299, the figures '301' shall be substituted; and

(xix) after the item relating to section 321, sub-section (8), the following item shall be inserted, namely:—

[*Vide p. 1193.*]

176. In Schedule VIII to the said Act—

(i) for the figures '168' occurring in the first column of the item next after the item relating to section 148, the figures '167' shall be substituted;

Amendment
of Schedule
VIII,
Madras Act
V of 1920.

(ii) before the item relating to section 182, the following item shall be inserted, namely:—

[*Vide p. 1194.*]

(iii) after the item relating to section 187, the following item shall be inserted, namely:—

[*Vide p. 1194.*]

(iv) in column (4) of the item relating to section 195, for the word 'Do.' the words "Ten rupees" shall be substituted;

(v) after the item relating to section 247, the following item shall be inserted, namely:—

[*Vide p. 1195.*]

(vi) after the item relating to section 269, the following items shall be inserted, namely:—

[*Vide p. 1195.*]

(vii) in column (4) of the item relating to section 290, for the word 'Do.' the words 'Ten rupees' shall be substituted; and

(viii) after the item relating to section 290, the following item shall be inserted, namely:—

[*Vide p. 1195.*]

TRANSITIONAL PROVISIONS.

177. Notwithstanding anything contained in the said Act or in this Act—

- (a) (i) the term of office of the members of every municipal council holding office on the date of the commencement of this Act shall, subject to the provisions of sub-section (2) of section 48 and sections 50, 51 and 60 of the said Act as amended by this Act, extend to, or expire on, as the case may be, such date as the Local Government may fix, and the Local Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;
- (ii) the Local Government may from time to time postpone any date fixed by them under sub-clause (i) and fix another date in lieu thereof; and
- ¹ [(iii) any date fixed under sub-clause (i) or (ii) shall not be later than the 15th day of January 1932];
- (b) the chairman and vice-chairman of the municipal council shall, subject to the provisions of sub-sections (4) and (5) of section 12, section 40, and section 40-A of the said Act as amended by this Act, hold office up to, or vacate office on, the date fixed under clause (a);
- (c) a meeting of the municipal council shall be held on or as soon as may be after the said date on a day and at a time fixed by the Local Government or such other authority as may be empowered by them in this behalf for the election of the chairman and vice-chairman;
- (d) the term of office of the newly elected councillors or of the councillors elected in their places at casual vacancies shall expire at the end of three years, if the date fixed under clause (a) is the first day of November and in other cases at the end of three years from the first day of November immediately preceding such date;
- (e) any vacancy in the office of chairman or vice-chairman of a municipal council which is in existence on the date of the commencement of this Act or which occurs before the date fixed under clause (a) shall be filled by election by the municipal council;
- (f) any such vacancy in the office of an appointed member of a municipal council shall be filled by appointment by the Local Government and in that of

¹ Sub-clause (iii) was substituted for the original sub-clause by section 2 of the Madras District Municipalities (Amendment) Act, 1931 (Madras Act VIII of 1931).

an elected member by election under the provisions of the said Act as amended by sections 40, 41, 43 and 45 of this Act; and

- (g) any person elected or appointed as chairman, vice-chairman or member of a municipal council under clause (e) or (f) shall hold office only up to the date fixed under clause (a).

Explanation.—The office of chairman, vice-chairman or member of a municipal council to which no person had, at any time prior to the commencement of this Act, been elected or appointed, shall be deemed to be vacant within the meaning of this section.

178. Every municipality in which a water and drainage tax is levied on the date of the commencement of this Act shall, on or before such date as the Local Government may fix in this behalf, declare in accordance with the provisions of the first proviso to sub-section (1) of section 81 of the said Act as amended by this Act what proportion of the tax is levied for water works.

179. If any difficulty arises as to the first constitution or reconstitution of any municipal council after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, or of the said Act as amended by this Act, the Local Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE.

Section.	Sub-section.	For the words	Substitute the words
(1)	(2)	(3)	(4)
4	(1)	his intention	their intention
"	(3)	has considered	have considered
"	"	he may	they may
5	(1) Proviso	he issues	they issue
"	" (a)	he proposes	they propose
33	(1)	fixes	fix
39	(1)	he may	they may
"	(2)	as he may fix	as they may fix
"	(4)	has directed	have directed
41	(3) (b)	appoints	appoint
"	"	so directs	so direct
"	"	with himself	with themselves
123	(3)	he shall name	they shall name
252	"	he may deem fit	they may deem fit
303	(2)	he may make rules	they may make rules
363	"	vested in him	vested in them
366	b (i)	so directs	so direct
Schedule IV	rule 44 (1)	directs	direct
"	" 50 (1)	he may direct	they may direct
"	" 55 (2)	has incurred	have incurred.

MADRAS ACT No. XI OF 1930.¹

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1930.]

[26th August, 1930.]

An Act to amend the Madras Local Boards Act, 1920.

Preamble.

WHEREAS it is expedient further to amend and consolidate the Madras Local Boards Act, 1920, and the Madras Village Panchayat Act, 1920; Madras Act XIV of 1920.
Madras Act XV of 1920.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title
and com-
mencement.

1. This Act may be called the Madras Local Boards (Amendment) Act, 1930.

Repeal of
Madras Act
XV of 1920.

2. The Madras Village Panchayat Act, 1920, is hereby Madras Act XV of 1920. repealed.

Amendment
of section 3,
Madras Act
XIV of
1920.

3. In section 3 of the Madras Local Boards Act, 1920, Madras Act XIV of 1920. (hereinafter referred to as the said Act)—

(i) clause (1) shall be re-numbered as clause (1 B) and the following clauses shall be inserted as clauses (1) and (1 A) respectively:—

[Vide pp. 1270-1271.]

(ii) after clause (5), the following clause shall be inserted, namely:—

[Vide p. 1271.]

(iii) for clause (6), the following clause shall be substituted, namely:—

[Vide p. 1271.]

(iv) for clause (7); the following clauses shall be substituted, namely:—

[Vide pp. 1271-1272.]

(v) after clause (8), the following clause shall be inserted, namely:—

[Vide p. 1272.]

(vi) in clause (9), for the words 'in Malabar' the words 'in the district of Malabar' shall be substituted;

(vii) after clause (10), the following clauses shall be inserted, namely:—

[Vide p. 1272.]

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, Extraordinary, dated 12th September 1929—Part IV, pages 227-235.

(viii) for clause (11), the following clause shall be substituted, namely:—

[*Vide p. 1272.*]

(ix) for clause (12), the following clause shall be substituted, namely:—

[*Vide p. 1273.*]

(x) after clause (13), the following clause shall be inserted, namely:—

[*Vide p. 1273.*]

(xi) after clause (15), the following clauses shall be inserted, namely:—

[*Vide p. 1273.*]

(xii) in clause (18), the words 'over which the public have a right of way' occurring after the words 'whether a thoroughfare or not' shall be placed before those words;

(xiii) in clause (19), for the words 'return thereto,' the words 'return to such house' shall be substituted;

(xiv) after clause (19), the following clauses shall be inserted, namely:—

[*Vide p. 1274.*]

(xv) for clause (21), the following clauses shall be substituted, namely:—

[*Vide p. 1274.*]

(xvi) for clause 23, the following clause shall be substituted, namely:—

[*Vide p. 1274.*]

4. For sections 4 and 5 with their heading, the following heading and sections shall be substituted, namely:—

[*Vide pp. 1276–1277.*]

Substitution of new sections for sections 4 and 5, Madras Act XIV of 1920.

5. In section 6 of the said Act—

(i) in sub-section (1), for the words 'for each union, a union board' the words 'for each village, a panchayat' shall be substituted;

Amendment of section 6, Madras Act XIV of 1920.

(ii) for the proviso to sub-section (2) the following provisos shall be substituted, namely:—

[*Vide p. 1277.*]

(iii) in sub-section (3)—

(a) for the words 'by the name of the local area for which it shall have been established by a body corporate,' the words 'be a body corporate by the name of the district or revenue taluk or the name

of the taluk or village which is specified in the notification under section 4 or 5 as the case may be ' shall be substituted; and

(b) between the words ' imposed by ' and the words ' this or any other enactment ' the words ' or under ' shall be inserted.

Amendment
of section 7,
Madras Act
XIV of
1920.

6. In section 7 of the said Act, for the entry relating to ' Union boards ' the following entry shall be substituted, namely:—

[*Vide p. 1278.*]

Substitu-
tion of new
sections for
sections
8 and 9,
Madras
Act XIV of
1920.

7. For sections 8 and 9 of the said Act, the following sections shall be substituted, namely:—

[*Vide p. 1278.*]

Substitu-
tion of new
section for
section 10,
Madras Act
XIV of
1920.

8. For section 10 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1279.*]

Substitu-
tion of new
sections for
section 11,
Madras Act
XIV of
1920.

9. For section 11 of the said Act, the following sections shall be substituted, namely:—

[*Vide pp. 1279–1280.*]

Substitu-
tion of new
sections for
section 12,
Madras Act
XIV of
1920.

10. For section 12 of the said Act, the following sections shall be substituted, namely:—

[*Vide pp. 1280–1281.*]

Repeal of
sections
13 and 14,
Madras
Act XIV of
1920.

11. Sections 13 and 14 of the said Act shall be omitted.

Amendment
of section
15, Madras
Act XIV of
1920.

12. (1) Sub-section (2) of section 15 of the said Act shall be renumbered as sub-section (3) and for sub-section (1) of that section, the following sub-sections shall be substituted, namely:—

[*Vide p. 1281.*]

(2) In the same section, in sub-section (3) as renumbered, the words ' or re-appointment ' shall be omitted.

Amendment
of section
16, Madras
Act XIV of
1920.

13. To section 16 of the said Act, the following sentence shall be added, namely:—

[*Vide p. 1281.*]

14. In section 17 of the said Act, the words ' or appointed ' in both the places where they occur shall be omitted and for the words ' in the same manner as his predecessor was elected ' the words ' in the manner laid down in this Act ' shall be substituted.

Amendment of section 17, Madras Act XIV of 1920.

15. Section 18 of the said Act shall be omitted.

Repeal of section 18, Madras Act XIV of 1920.

16. In section 20 of the said Act, for the words ' receive any salary or other remuneration from the funds at the disposal of or under the control of such board,' the words ' receive or be paid from the funds at the disposal of or under the control of such board any salary or other remuneration for services rendered by him in any capacity whatsoever ' shall be substituted.

Amendment of section 20, Madras Act XIV of 1920.

17. In sub-section (2) of section 21 of the said Act, for the words " which by this Act it is expressly declared," the words ' which this Act expressly declares ' shall be substituted.

Amendment of section 21, Madras Act XIV of 1920.

18. After section 22 of the said Act, the following section shall be inserted, namely:—

[*Vide pp.* 1282–1283.]

Insertion of new section 22-A in Madras Act XIV of 1920.

19. For sections 23 and 24 of the said Act, the following section shall be substituted, namely:—

[*Vide pp.* 1283–1284.]

Substitution of new section for sections 23 and 24, Madras Act XIV of 1920.

20. In section 25 of the said Act—

(i) for the word ' powers ' the word ' functions ' and for the words and figures 'sections 23 and 24,' the word and figures ' section 23 ' shall be substituted; and

Amendment of section 25, Madras Act XIV of 1920.

(ii) the following sentence shall be added at the end, namely:—

[*Vide p.* 1285.]

21. In section 27 of the said Act—

(i) in sub-section (1), the words ' record, correspondence, plan or other ' shall be omitted; and

Amendment of section 27, Madras Act XIV of 1920.

(ii) in clause (b) of sub-section (2), for the words ' taluk or union board ' the words ' taluk board or panchayat ' shall be substituted.

Substitution of new section for sections 28 and 29, Madras Act XIV of 1920.

22. For sections 28 and 29 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1287.*]

Substitution of new section for section 30, Madras Act XIV of 1920.

23. For section 30 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1287–1288.*]

Amendment of section 31, Madras Act XIV of 1920.

24. In section 31 of the said Act—

(i) the word ‘supplementary’ before the word ‘regulations’ shall be omitted;

(ii) for clause (c), the following clause shall be substituted, namely:—

[*Vide p. 1288.*]

and

(iii) clauses (f) and (g) shall be re-lettered as (g) and (h) respectively, and for clause (e) the following clauses shall be substituted, namely:—

[*Vide p. 1289.*]

Amendment of section 32, Madras Act XIV of 1920.

25. In sub-section (3) of section 32 of the said Act, after the words ‘for that meeting’ the words ‘and during the period that he presides over it’ shall be inserted.

Repeal of section 33, Madras Act XIV of 1920.

26. Section 33 of the said Act shall be omitted.

Amendment of section 34, Madras Act XIV of 1920.

27. In section 34 of the said Act—

(i) in sub-section (1)—

(a) after the words ‘No member of a local board’ the words ‘or of a committee thereof’ shall be inserted;

(b) for the words ‘board or any committee’ the words ‘board or committee’ shall be substituted; and

(c) after the words ‘pecuniary interest’ at the end, the words ‘by himself or his partner’ shall be added;

(ii) in sub-section (2), after the words ‘The president’ the words ‘or chairman’ shall be inserted and for the words ‘such person’ in both the places where they occur, the words ‘such member’ shall be substituted;

(iii) in sub-section (3)—

(a) for the words ‘Such person’ the words ‘Such member’ shall be substituted; and

- (b) after the words 'the president' the words 'or chairman' shall be inserted;
- (iv) in sub-section (4), after the words 'the president' in both the places where they occur, the words 'or chairman' shall be inserted;
- (v) after sub-section (4), the following sub-section shall be inserted, namely:—
[*Vide p. 1290.*]
- and
- (vi) for the Explanation, the following Explanation shall be substituted, namely:—
[*Vide p. 1290.*]

28. For section 35 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1290*]

Substitution of new section for section 35, Madras Act XIV of 1920.

29. For section 36 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1291.*]

Substitution of new section for section 36, Madras Act XIV of 1920.

30. For section 37 of the said Act, the following sections shall be substituted, namely:—
[*Vide p. 1291.*]

Substitution of new sections for section 37, Madras Act XIV of 1920.

31. For section 38 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1292-93.*]

Substitution of new section for section 38, Madras Act XIV of 1920.

32. In sub-section (1) of section 39 of the said Act, for the words 'or the president' occurring after the words 'a local board,' the words 'or president' shall be substituted.

Amendment of section 39, Madras Act XIV of 1920.

33. Section 40 of the said Act shall be omitted.

Repeal of section 40, Madras Act XIV of 1920.

34. In section 41 of the said Act, for the words 'district board' and 'district fund' wherever they occur, the words 'local board' and 'local fund' shall respectively be substituted.

Amendment of section 41, Madras Act XIV of 1920.

Substitution of new section for section 42, Madras Act XIV of 1920.

35. For section 42 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1294.*]

Substitution of new sections for sections 43 and 44, Madras Act XIV of 1920.

36. For sections 43 and 44 of the said Act, the following sections shall be substituted, namely:—

[*Vide pp. 1294-1295.*]

Amendment of section 45, Madras Act XIV of 1920.

37. In section 45 of the said Act—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

[*Vide pp. 1296-1297.*]

(ii) in sub-section (2), for the words 'all members of the local board' the words 'all the members of the local board including its president and vice-president', for the word 'vacate' the words 'be deemed to have vacated' and for the words 'fresh appointments shall be made and elections held' the words 'fresh elections shall be held' shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

[*Vide p. 1297.*]

and

(iv) in sub-section (3), for the word 'performed' the word 'discharged' and for the words 'by such persons' the words 'by such person or persons' shall be substituted.

Insertion of new sections 45-A and 45-B in Madras Act XIV of 1920.

38. After section 45 of the said Act, the following sections shall be inserted, namely:—

[*Vide pp. 1298-1299.*]

Amendment of section 46, Madras Act XIV of 1920.

39. In section 46 of the said Act—

(i) in sub-section (1)—

(a) for the words 'power to make such contracts' the words 'all such powers' shall be substituted; and

(b) before the words 'its officers or servants' in both the places where they occur, the word 'or' shall be inserted; and

(ii) in sub-section (2), for the word 'power,' the word 'powers' shall be substituted.

40. For section 47 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1299–1300.*]
41. For section 48 of the said Act, the following section shall be substituted, namely:—
[*Not printed. See p. 1300.*]
42. For section 49 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1300–1301.*]
43. Section 50 of the said Act shall be omitted.
44. In section 51 of the said Act—
(i) sub-section (2) shall be renumbered as sub-section (5) and for sub-section (1) the following sub-section shall be substituted, namely:—
[*Vide p. 1301.*]
(ii) for sub-section (3) the following sub-section shall be substituted, namely:—
[*Vide p. 1301.*]
(iii) in sub-section (4) the following words shall be inserted before the words ‘shall remain’:—
‘as revised by the list of amendments and corrections, if any,’ and
(iv) in sub-section (5) as renumbered, for the words ‘final electoral roll published under this section’ the words ‘electoral roll as so revised’ shall be substituted.
45. In section 52 of the said Act—
(i) in the opening paragraph, after the words ‘included in the electoral roll’ the words ‘of a local board’ shall be inserted;
(ii) in the proviso to clause (a) for the words ‘any aliens’ the words ‘any alien’ shall be substituted; and
(iii) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:—
[*Vide p. 1302.*]

Substitution of new section for section 47, Madras Act XIV of 1920.

Substitution of new section for section 48, Madras Act XIV of 1920.

Substitution of new section for section 49, Madras Act XIV of 1920.

Repeal of section 50, Madras Act XIV of 1920.

Amendment of section 51, Madras Act XIV of 1920.

Amendment of section 52, Madras Act XIV of 1920.

Substitution of new section for section 53, Madras Act XIV of 1920.

46. For section 53 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1302.*]

Substitution of new section for section 54, Madras Act XIV of 1920.

47. For section 54 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1302–1303.*]

Amendment of section 55, Madras Act XIV of 1920.

48. In section 55 of the said Act—

(i) in sub-section (1)—

(a) after the words ‘ six months ’ the words ‘ for any offence other than an offence of a political character or an offence not involving moral delinquency ’ shall be inserted; and

(b) the words ‘ or appointment ’ shall be omitted; and

(c) for the words ‘ expiration of the sentence ’ the words ‘ the expiration of the sentence ’ shall be substituted; and

(ii) in sub-section (2)—

(a) in the opening paragraph, for the words ‘ election or appointment ’ in the first place where they occur, the word ‘ election ’ and for the words ‘ nomination, election or appointment ’ the words ‘ nomination or election ’ shall be substituted;

(b) clauses (i) to (vi) shall be lettered as clauses (a) to (f), respectively;

(c) in clause (b) as so lettered, before the words ‘ an uncertificated bankrupt ’ the words ‘ an applicant to be adjudicated a bankrupt or insolvent or ’ shall be inserted;

(d) in clause (c) as so lettered, for the words, ‘ an incorporated company ’ the words ‘ a company ’ shall be substituted;

(e) the proviso to the sub-section shall be inserted as a proviso to clause (c) as so lettered and in the said proviso, for the words ‘ such a contract or work as aforesaid ’ the words ‘ such contract or work ’ shall be substituted;

(f) after clause (c) as so lettered, the following clause shall be inserted, namely:—

[*Vide p. 1304.*]

(g) in clause (d) as so lettered, for the words ‘ for the local area over which the local board concerned has jurisdiction ’ the words ‘ with jurisdiction over any part of the area of the local board ’ shall be substituted;

- (h) in clause (e) as so lettered, the words ' or appointment ' shall be omitted; and after the word ' effect ' the words ' or has already been elected a member of the local board whose term of office has not yet commenced ' shall be inserted; and
- (i) for clause (f) as so lettered, the following clause shall be substituted, namely:—
- [Vide p. 1304.]

49. In section 56 of the said Act—

(i) in sub-section (1)—

Amendment
of section
56, Madras
Act XIV of
1920.

- (a) in clause (a), before the word ' court ' the word ' criminal ', and before the words ' as is described ' the words ' and for such offence ' shall be inserted;

- (b) in clause (d), for the words and figures ' section 55, sub-section (2) ' the words, figures and letter ' clause (c) of sub-section (2) of section 55 ' and for the words ' an incorporated company ' the words ' a company ' shall be substituted; and the words ' or is employed as paid legal practitioner on behalf of the local board or accepts employment as legal practitioner against the local board ' shall be omitted;

- (c) after clause (d), the following clause shall be inserted, namely:—

[Vide p. 1305.]

- (d) for clause (e), the following clause shall be substituted, namely:—

[Vide p. 1305.]

- (e) in clause (f), after the words ' accepts employment under ' the words ' or becomes the official subordinate of ' shall be inserted; and

- (f) for clauses (g) and (h), the following clauses shall be substituted, namely:—

[Vide p. 1305.]

ii) in sub-section (3)—

- (a) after the words and figure ' of sub-section (1) ', the words and figures ' or under section 59 ' shall be inserted;

- (b) the words ' or appointed ' in both the places where they occur shall be omitted; and

- (c) for the words ' vacate the office ' the words ' vacate office ' shall be substituted; and

- (iii) for sub-section (4), the following sub-section shall be substituted, namely:—

[Vide p. 1306.]

Amendment
of section
57, Madras
Act XIV of
1920.

50. In section 57 of the said Act—

- (i) in sub-section (1)—
 - (a) the words 'or appointed' shall be omitted;
 - (b) for the words and figures 'under section 55 or section 56', the words and figures 'sub-section (1) of section 54, section 55, section 56 or section 59' shall be substituted; and
 - (c) after the words 'become disqualified for office', the words and figures 'under section 56 or section 59' shall be inserted;
- (ii) in sub-section (2), for the words and figures 'section 55 or section 56' the words and figures 'sub-section (1) of section 54, section 55, section 56 or section 59' shall be substituted; and
- (iii) for sub-section (3), the following sub-section shall be substituted, namely:—
[*Vide p. 1307.*]

Amendment
of section
59, Madras
Act XIV of
19-0.

51. In section 59 of the said Act—

- (i) after the word 'conviction' the words 'or for such shorter period as the court may by order determine' shall be inserted; and
- (ii) the proviso shall be omitted.

Amendment
of section
60, Madras
Act XIV of
1920.

52. In section 60 of the said Act—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—
[*Vide p. 1307.*]

and

- (ii) in sub-section (2), for the word 'erections' the word 'works' shall be substituted.

Amendment
of section
63, Madras
Act XIV of
1920.

53. In section 63 of the said Act—

- (i) in sub-section (1)—
 - (a) for the words 'such local board' in both the places where they occur, the words 'the local board' shall be substituted; and
 - (b) after the words 'the local board shall manage,' the words 'and superintend' shall be inserted; and
- (ii) in sub-section (2), for the words 'the authority referred to above' the words 'by any other authority' shall be substituted.

Amendment
of section
64, Madras
Act XIV of
1920.

54. In section 64 of the said Act, for the words 'the purposes' the words 'any purpose' shall be substituted.

Substitu-
tion of new
sections for
section
65, Madras
Act XIV of
1920.

55. For section 65 of the said Act, the following sections shall be substituted, namely:—

[*Vide p. 1309.*]

56. For section 67 of the said Act, the following section shall be substituted, namely:—
[Vide pp. 1309–1340.]

Substitution of new section for section 67, Madras Act XIV of 1920.

57. For section 68 of the said Act, the following section shall be substituted, namely:—
[Vide p. 1310.]

Substitution of new section for section 68, Madras Act XIV of 1920.

58. In sub-section (1) of section 69 of the said Act, for the words 'or district health officer' the words 'district health officer or district panchayat officer' shall be substituted.

Amendment of section 69, Madras Act XIV of 1920.

59. For section 70 of the said Act, the following section shall be substituted, namely:—
[Vide pp. 1311–1312.]

Substitution of new section for section 70, Madras Act XIV of 1920.

60. In sub-section (1) of section 71 of the said Act—

Amendment of section 71, Madras Act XIV of 1920.

(i) in the opening paragraph, for the words and figures 'provisions of sections 68 and 74 and any rules made by the Local Government' the words 'provisions of this Act and of any rules which the Local Government may make' and for the words 'on the staff of all local boards in the district,' the words 'on its staff and on the staff of all taluk boards and panchayats in the district' shall be substituted;

(ii) clauses (a) to (h) shall be re-lettered as clauses (b) to (i) respectively and the following clause shall be inserted as clause (a), namely:—

[Vide pp. 1312–1313.]

(iii) in clause (d) as re-lettered, for the words 'and acting allowances' the words 'acting allowances and travelling allowances' shall be substituted;

(iv) in clause (f) as re-lettered, for the words 'contributions towards pensions may be paid' the words 'pensionary contributions shall be paid' shall be substituted; and

(v) in proviso (i), for the words 'and leave allowances, gratuity or pension granted under these regulations' the words 'leave allowances, travelling allowances, pension or gratuity provided for in such regulations' shall be substituted.

Amendment
of section
72, Madras
Act XIV of
1920.

61. In section 72 of the said Act—

- (i) for the word 'fine' the words 'censure, fine, withhold promotion from' shall be substituted;
- (ii) after the words 'officer or servant of the local board,' the words 'in its service' shall be inserted; and
- (iii) for the words 'or the district health officer' the words 'the district health officer or the district panchayat officer' shall be substituted.

Substitution
of new
section for
section 73,
Madras
Act XIV of
1920.

62. For section 73 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1314.*]

Amendment
of section
74, Madras
Act XIV
1920.

63. In sub-section (1) of section 74 of the said Act, after the words 'to be employed' the words 'by it' shall be inserted.

Insertion of
new section
74-A in
Madras Act
XIV of
1920.

64. After section 74 of the said Act, the following section shall be added, namely:—

[*Vide pp. 1315-1316.*]

Insertion of
new section
74-B in
Madras Act
XIV of
1920.

65. Before section 75 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1316.*]

Amendment
of section
75, Madras
Act XIV of
1920.

66. In section 75 of the said Act,

- (i) in sub-section (1)—
 - (a) for the words 'The district board may determine' the words 'A district board may by a resolution determine' shall be substituted;
 - (b) items (i) and (ii) shall be omitted and items (iii) to (v) re-numbered as (i) to (iii) respectively;
 - (c) in item (ii) as re-numbered for the words 'tax on houses' the words 'house-tax' shall be substituted; and
 - (d) the following shall be inserted as a proviso at the end:—

[*Vide p. 1316.*]

- (ii) sub-section (2) shall be re-numbered as sub-section (3) and the following shall be inserted as sub-section (2), namely:—

[*Vide pp. 1316-1317.*]

(iii) in sub-section (3) as re-numbered—

(a) in clause (a), after the word 'taxes' the words 'and tolls' and after the word 'district' the word 'and' shall be inserted; and

(b) in clause (b), after the words 'any resolution' the words 'of the district board' shall be inserted and for the words 'reported to the Government' the words 'reported to the Local Government' shall be substituted; and

(iv) after sub-section (3) as re-numbered, the following sub-section shall be inserted, namely:—

[*Vide p. 1317.*]

67. In section 76 of the said Act—

(i) after the words 'a district board may' the words 'by a resolution' shall be inserted;

(ii) for the words 'entering or leaving by railway any place of pilgrimage situated in the district' the words 'travelling by railway from any station notified under section 110 in or near any local area in the district which is resorted to by pilgrims' shall be substituted; and

(iii) in the proviso, for the words 'such a tax' the words 'such tax' and for the words 'purposes other than the improvement or development of the place of pilgrimage' the words 'purposes other than making arrangements for the health and comfort of the pilgrims resorting to, or the improvement or development of, such local area' shall be substituted and the words 'except with the sanction of the Local Government' shall be omitted.

Amendment
of section
76, Madras
Act XIV of
1920.

68. For section 77 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1318.*]

Substitution
of new
section for
section 77,
Madras
Act XIV of
1920.

69. For section 78 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1318.*]

Substitution
of new
section for
section 78,
Madras Act
XIV of
1920.

70. In section 79 of the said Act—

(i) for the opening paragraph beginning with the words 'If the president of the district board notifies' and ending with the words 'calculated in the following manner', the following paragraph shall be substituted, namely:—

[*Vide p. 1318.*]

Amendment
of section
79, Madras
Act XIV of
1920.

(ii) in clause (i)—

(a) for the word 'land' in both the places where it occurs, the word 'lands' and for the words 'for its irrigation,' the words 'for their irrigation' shall be substituted; and

(b) the words 'of such lands' occurring at the end shall be omitted;

(iii) for clauses (iii) and (iv), the following clauses shall be substituted, namely:—

[*Vide pp.* 1319–1320.]

and

(v) in the proviso after the words 'any landholder' the words 'or sub-landholder' shall be inserted.

Substitution
of new
section for
section 80,
Madras
Act XIV of
1920.

71. For section 80 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1320.]

Amendment
of section
81, Madras
Act XIV of
1920.

72. In section 81 of the said Act—

(i) after the words 'furnished by a landholder' the words 'or sub-landholder' shall be inserted;

(ii) for the words 'the last preceding section' the word and figures 'section 80' shall be substituted;

(iii) after the words 'such landholder' the words 'or sub-landholder' shall be inserted; and

(iv) the words 'for the tax due in respect of lands held by him as aforesaid' shall be omitted.

Substitution
of new
section for
section 82,
Madras
Act XIV of
1920.

73. For section 82 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1321.]

Amendment
of section
83, Madras
Act XIV of
1920.

74. In section 83 of the said Act, for the words 'any landholder' the words 'a landholder or sub-landholder', for the words 'six months aforesaid' the words and figures 'period of six months referred to in section 82' and for the words 'lands held by such landholder as aforesaid' the words 'lands of such landholder or sub-landholder' shall be substituted.

Amendment
of section
84, Madras
Act XIV of
1920.

75. In section 84 of the said Act, for the words 'such lists' the words 'such list' and for the words 'the last preceding section' the word and figure 'section 83' shall be substituted.

Amendment
of section
85, Madras
Act XIV of
1920.

76. In section 85 of the said Act, for the words 'furnished to him as aforesaid', the words 'furnished to him by a landholder or sub-landholder', for the words 'such landholder' the words 'such landholder or sub-landholder', for the words 'such amended list' the words 'the list as so

amended', and for the words 'lands held by him as aforesaid' the words 'lands of such landholder or sub-landholder', shall be substituted.

77. In section 86 of the said Act—

- (i) in sub-section (1), for the words 'under the last preceding section' the words and figure 'under section 85' shall be substituted;
- (ii) in sub-section (2), for the word 'when' the words 'on which' shall be substituted; and after the words 'to the landholder' the words 'or sub-landholder' shall be inserted; and
- (iii) in sub-section (3), after the words 'order made', the words 'by the Board of Revenue' shall be inserted.

Amendment of section 86, Madras Act XIV of 1920.

78. In section 87 of the said Act, for the words 'land held' the words 'lands held' shall be substituted.

Amendment of section 87, Madras Act XIV of 1920.

79. For section 88 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1322*]

Substitution of new section for section 88, Madras Act XIV of 1920.

80. (1) In section 89 of the said Act—

- (i) for the words 'or intermediate landholder' after the words 'Every landholder' the words 'sub-landholder or any other intermediate landholder' shall be substituted;
- (ii) for the words 'collecting or recovering the portion which may be due to him under the provisos to the last preceding section,' the words and figures 'recovering any amount which may be due to him under the provisos to section 88' shall be substituted;
- (iii) for the word 'regulation,' the word 'Regulation' shall be substituted; and
- (iv) the words 'collection and' shall be omitted.

Amendment of section 89, Madras Act XIV of 1920.

(2) To the same section the following Explanation shall be added, namely:—

[*Vide p. 1323.*]

81. In section 90 of the said Act—

- (i) for the words and figures 'coming within the meaning of clause (iii) of section 79,' the words and figures 'to whom clause (iii) of section 79 applies' and for the word 'tax' the word 'cess' shall be substituted; and
- (ii) the word 'whole' occurring before the words 'annual rent value' shall be omitted.

Amendment of section 90, Madras Act XIV of 1920.

Substitution of new section for section 91, Madras Act XIV of 1920. **82.** For section 91 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1323-1324.*]

Repeal of section 92, Madras Act XIV of 1920. **83.** Section 92 of the said Act and the heading thereof shall be omitted.

Substitution of new sections for sections 93 to 96, Madras Act XIV of 1920. **84.** For sections 93, 94, 95 and 96 of the said Act and the heading occurring before section 95, the following sections shall be substituted, namely:—
[*Vide pp. 1324-1325.*]

Amendment of section 97, Madras Act XIV of 1920. **85.** In section 97 of the said Act—
(i) for the words 'president of the taluk or union board as the case may be', the words 'president of the panchayat' shall be substituted;
(ii) for the words 'persons occupying such building or land', the words 'persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers' shall be substituted; and
(iii) the word 'trade' occurring after the words 'profession, art', shall be omitted.

Substitution of new heading for the heading to sections 98 to 103, Madras Act XIV of 1920. **86.** For the heading 'Tax on houses' of sections 98 to 103 of the said Act, the heading 'House-tax' shall be substituted.

Substitution of new section for section 98, Madras Act XIV of 1920. **87.** For section 98 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 1326.*]

Amendment of section 99, Madras Act XIV of 1920. **88.** In section 99 of the said Act—
(i) in clause (a) after the words 'educational purposes', the words 'including hostels' shall be inserted, and after the words 'open to the public' the words 'public buildings used for the charitable purpose of sheltering the destitute or animals and such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or as public offices' shall be added; Act VII of 1904.

(ii) in clause (b) after the word ' purposes ' the words ' and such hospitals or dispensaries maintained by railway administrations as may from time to time be notified by the Local Government, ' shall be added; and

(iii) the following Explanation shall be added at the end, namely:—

[*Vide p. 1327.*]

89. For section 100 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1327.*]

Substitution of new section for section 100, Madras Act XIV of 1920.

90. For section 101 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1327.*]

Substitution of new section for section 101, Madras Act XIV of 1920.

91. After section 101 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1327–1328.*]

Insertion of new section 101-A in Madras Act XIV of 1920.

92. For section 102 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1328.*]

Substitution of new section for section 102, Madras Act XIV of 1920.

93. After section 102 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1328–1329.*]

Insertion of new section 102-A in Madras Act XIV of 1920.

94. In section 103 of the said Act—

(i) in the first sentence—

(a) for the words ' union board ' the word ' pan-chayat ' and for the words ' in the union ' the words ' in the village ' shall be substituted; and

(b) the words ' or occupier ' shall be omitted; and
(ii) in the second sentence, for the words ' taluk board ' the words ' district board ' and for the words ' any classes of houses ' the words ' the owners of any class of houses ' shall be substituted.

Amendment of section 103, Madras Act XIV of 1920.

95. In section 104 of the said Act—

[*Vide p. 1329.*]

Amendment of section 104, Madras Act XIV of 1920.

Amendment
of section
106, Madras
Act XIV of
1920.

96. In section 106 of the said Act—

[*Vide p. 1329.*]

Amendment
of section
107, Madras
Act XIV of
1920.

97. In section 107 of the said Act—

[*Vide p. 1329.*]

Substitution
of new
section for
section 109,
Madras
Act XIV of
1920.

98. For section 109 of the said Act, the following section shall be substituted, namely:—

[*Not printed. See p. 1329.*]

Substitution
of new
section for
section 110,
Madras
Act XIV of
1920.

99. For section 110 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1330–1331.*]

Amendment
of section
111, Madras
Act XIV of
1920.

100. (1) Before section 111 of the said Act, the heading 'Exemption and Waiver' shall be inserted and to the same section, the following sentence shall be added, namely:—

[*Vide p. 1331.*]

and

Insertion
of new
section
111-A in
Madras Act
XIV of 1920.

(2) After the same section, the following section shall be added, namely:—

[*Vide p. 1331.*]

Amendment
of section
112, Madras
Act XIV of
1920.

101. In section 112 of the said Act—

(i) in sub-section (1)—

(a) in clause (ii), for the words 'the local boards' the words 'the local board' shall be substituted;

(b) in clause (iii), after the word 'markets' the words 'shops, stalls, and plinths' shall be inserted;

(c) in clause (vii), for the words 'a local board' the words 'the local board' shall be substituted; and

(d) in clause (ix), after the words 'public utility' the words and brackets '(including agricultural, industrial or trading concerns)' shall be inserted; and

(ii) in sub-section (2), before the words 'be applicable to such purposes outside the local board area' the words 'subject as aforesaid' shall be inserted.

Amendment
of section
113, Madras
Act XIV of
1920.

102. In section 113 of the said Act—

(i) in sub-section (1)—

(a) in clause (a), for the words 'the local area for which it is established' the words 'the district' shall be substituted; and

Act VII of
1913.

- (b) in clause (b), for the words and figures 'company registered under the Indian Companies Act, 1913,' the words and figures 'company as defined in the Indian Companies Act, 1913,' shall be substituted;
- (ii) in sub-section (2), for the words 'the local area for which it is established' the words 'the district' shall be substituted; and
- (iii) in sub-section (3), for the words and figures 'in regard to the matters specified in sub-sections (1) and (2),' the words and figures 'in regard to any of the matters specified in sub-section (1) or (2)' shall be substituted.

103. In section 114 of the said Act, for the words 'for each union a union fund' the words 'for each village a village fund' shall be substituted.

Amendment
of section
114, Madras
Act XIV of
1920.

104. After section 114 of the said Act, the following section shall be inserted, namely:—

[*Not printed. See p. 1334.*]

Insertion
of new
section
114-A in
Madras
Act XIV of
1920.

105. In section 115 of the said Act, for the words 'the receipts to be placed to the credit of, and the charges to be debited to, district, taluk and union funds' the words 'the charges to be debited to, and the receipts to be placed to the credit of village, taluk and district funds' shall be substituted.

Amendment
of section
115, Madras
Act XIV of
1920.

106. In section 116 of the said Act—

- (i) in sub-section (1), for the words 'his board' the words 'the local board' shall be substituted; and
- (ii) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

[*Vide p. 1334.*]

Amendment
of section
116, Madras
Act XIV of
1920.

107. In section 117 of the said Act—

- (i) in sub-section (1), for the words and figures 'not later than 15th February in each year' the words 'in each year, not later than such date as may be fixed in this behalf by the Local Government' and for the words 'of all local boards in the district' the words 'of itself and of all taluk boards and pan-chayats in the district' shall be substituted; and
- (ii) in sub-section (2), for the words 'any part of it shall be so altered' the words 'any part of the budget shall be so modified' shall be substituted.

Amendment
of section
117, Madras
Act XIV of
1920.

Amendment of section 118, Madras Act XIV of 1920. **108.** In section 118 of the said Act, for the words ' may fix ' the words ' shall fix ' and for the words ' local boards ' the words ' taluk boards and panchayats ' shall be substituted.

Amendment of section 119, Madras Act XIV of 1920. **109.** In section 119 of the said Act, for the word and figures ' section 116 ' the words and figures ' sections 116 and 117 ' shall be substituted.

Amendment of section 120, Madras Act XIV of 1920. **110.** In section 120 of the said Act, for the words ' receipts and expenditure of the local fund ' the words ' the receipts and expenditure of every local fund ' shall be substituted.

Insertion of new section after section 120 of Madras Act XIV of 1920. **111.** After section 121 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1336.*]

Amendment of section 122, Madras Act XIV of 1920. **112.** In section 122 of the said Act—

- (i) for the words ' The president of the taluk board in non-union areas and the president of the union board in union areas ' the words ' The president of a panchayat ' shall be substituted; and
- (ii) in the proviso, for the words ' paid by the taluk or union board from the taluk or union fund ' the words ' paid by the panchayat from the village fund ' shall be substituted.

Amendment of section 123, Madras Act XIV of 1920. **113.** In section 123 of the said Act—

- (i) in sub-section (1),
 - (a) for the words ' president of a taluk or union board ' the words ' president of a panchayat ' shall be substituted;
 - (b) for the words ' prove injurious to the health of the neighbourhood ' the words ' prove injurious to health or offensive to the neighbourhood ' shall be substituted;
 - (c) the words ' with the approval of the local board concerned ' shall be omitted; and
 - (d) after the words ' require the owner ' the words ' or other person having control ' shall be inserted; and
- (ii) in sub-section (2)—
 - (a) for the words ' an owner ', the words ' any person ' shall be substituted;
 - (b) for the words ' local board ' in both the places where they occur, and for the words ' board concerned ', the word ' panchayat ' shall be substituted; and

(c) for the words ' local board's decision ', the words ' decision of the panchayat ' shall be substituted.

114. In section 124 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide pp.* 1337–1338.]

and

(ii) in sub-section (2), for the words ' taluk or union board ' the word ' panchayat ' and for the words ' within the limits of such board's jurisdiction ' the words ' in the village ' shall be substituted.

115. In clause (a) of section 125 of the said Act—

(i) after the word " drinking " the words " or cooking " shall be inserted; and

(ii) for the words " by a taluk or by a union board " the words " by a panchayat " shall be substituted.

116. For section 126 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1339.]

117. In section 127 of the said Act, for the words ' taluk or union board ' in both the places where they occur, the word ' panchayat ' shall be substituted.

118. For section 128 of the said Act, the following section shall be substituted, namely:—

[*Vide p.* 1339.]

119. After section 129 of the said Act, the following heading and section shall be inserted, namely:—

[*Vide p.* 1340.]

120. In section 131 of the said Act—

(i) in sub-section (1), for the words ' The president of the taluk board in non-union areas and the president of the union board in union areas ' the words ' The president of a panchayat ' shall be substituted;

(ii) in sub-section (3), for the words ' such building or article,' the words ' such premises or article ' shall be substituted; and

(iii) after sub-section (3), the following sub-section shall be added, namely:—

[*Vide p.* 1340.]

Amendment of section 124, Madras Act XIV of 1920.

Amendment of section 125, Madras Act XIV of 1920.

Substitution of new section for section 126, Madras Act XIV of 1920.

Amendment of section 127, Madras Act XIV of 1920.

Substitution of new section for section 128, Madras Act XIV of 1920.

Insertion of new section 129-A in Madras Act XIV of 1920.

Amendment of section 131, Madras Act XIV of 1920.

Amendment
of section
132, Madras
Act XIV of
1920.

121. In sub-section (1) of section 132 of the said Act, for the words 'The president of the taluk board in non-union areas, and the president of the union board in union areas' the words 'The president of a panchayat' shall be substituted.

Amendment
of section
135, Madras
Act XIV of
1920.

122. In section 135 of the said Act, for the words 'any local area' the words 'a village' and for the words 'the president of the taluk board in non-union areas and the president of the union board in union areas' the words 'the president of the panchayat' shall be substituted.

Amendment
of section
136, Madras
Act XIV of
1920.

123. In section 136 of the said Act, for the words 'president of a taluk or union board' the words 'president of a panchayat' shall be substituted.

Amendment
of section
137, Madras
Act XIV of
1920.

124. In section 137 of the said Act—

- (i) in sub-section (1), for the words 'to the extent' the words 'in respect of such persons and to such extent as may be' shall be substituted; and
- (ii) in sub-section (2), for the words 'taluk board and its president in non-union areas, and the union board and its president in union areas' the words 'taluk board and its president' shall be substituted.

Amendment
of section
138, Madras
Act XIV of
1920.

125. In section 138 of the said Act, for the words 'president of the local board' the words 'president of the taluk board' shall be substituted.

Amendment
of section
139, Madras
Act XIV of
1920.

126. In sub-section (2) of section 139 of the said Act, for the words 'local board' the words 'taluk board' shall be substituted.

Amendment
of section
140, Madras
Act XIV of
1920.

127. In section 140 of the said Act—

- (i) in sub-section (1), for the words 'to the taluk board in non-union areas and to the union board in union areas' the words 'to the panchayat' shall be substituted; and
- (ii) in sub-section (2), for the words 'local board' in both the places where they occur, the word 'panchayat' shall be substituted.

Amendment
of section
141, Madras
Act XIV of
1920.

128. In section 141 of the said Act—

- (i) in sub-section (1), for the words 'taluk or union board' the word 'panchayat' shall be substituted; and
- (ii) in sub-sections (2), (3) and (4), for the words 'local board' the word 'panchayat' shall be substituted.

129. In section 142 of the said Act, for the words 'taluk board in non-union areas and the union board in union areas' the word 'panchayat' and for the words 'local fund' the words 'village fund' shall be substituted.

Amendment
of section
142, Madras
Act XIV of
1920.

130. In sub-section (1) of section 143 of the said Act, for the words 'taluk and union board' the word 'panchayat' shall be substituted.

Amendment
of section
143, Madras
Act XIV of
1920.

131. In the proviso to section 144 of the said Act, for the words 'president of the local board concerned' the words 'president of the panchayat concerned' shall be substituted.

Amendment
of section
144, Madras
Act XIV of
1920.

132. In section 145 of the said Act, for the words 'by the local board concerned in that behalf' the words 'by the panchayat concerned' shall be substituted.

Amendment
of section
145, Madras
Act XIV of
1920.

133. In section 146 of the said Act—

Amendment

(i) in sub-section (1), for the words 'taluk or union board' the word 'panchayat' shall be substituted; and

of section
146, Madras
Act XIV of
1920.

(ii) in sub-section (4), for the words 'local board,' the word 'panchayat' shall be substituted.

134. In sub-section (1) of section 150 of the said Act, for the words 'the president of the taluk board in non-union areas and the president of the union board in union areas may with the approval of the local board concerned' the words 'the president of a panchayat may with the approval of the panchayat' shall be substituted.

Amendment
of section
150, Madras
Act XIV of
1920.

135. Clause (c) of sub-section (1) of section 151 of the said Act shall be omitted.

Amendment
of section
151, Madras
Act XIV of
1920.

136. Section 152 of the said Act shall be omitted.

Repeal of
section 152,
Madras Act
XIV of 1920.

137. In section 153 of the said Act—

Amendment

(i) in sub-section (1)—

of section
153, Madras
Act XIV of
1920.

(a) for the words 'union board', the word 'panchayat' shall be substituted;

(b) after the words 'injurious to health or' the words 'dangerous to the public or' shall be inserted;

(c) after the words 'or offensive to the neighbourhood', the words 'or otherwise a source of nuisance' shall be inserted; and

(d) before the words ' within such period ' the words ' or to take such other action as may be deemed by the president necessary to remove such nuisance ' shall be inserted; and

(ii) in sub-section (2)—

(a) for the words ' union board ' the word ' panchayat ' shall be substituted; and

(b) for the words ' require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside,' the words ' require the owner or occupier of any building or land to cleanse or lime-wash the same ' shall be substituted.

Amendment of section 154, Madras Act XIV of 1920.

138. In sub-section (1) of section 154 of the said Act, for the words ' The taluk board in non-union areas, and the union board in union areas ' the words ' A panchayat ' shall be substituted.

Amendment of section 159, Madras Act XIV of 1920.

139. In sub-section (1) of section 159 of the said Act, the words ' with the approval of the Board ' shall be omitted.

Amendment of section 160, Madras Act XIV of 1920.

140. In sub-section (4) of section 160 of the said Act, for the words and figures ' no licence under sub-section (1) nor any lease under sub-section (3) ' the words ' neither a licence under sub-section (1) nor a lease under sub-section (3) ' shall be substituted; and after the words ' is likely to ' the words ' be injurious to health or ' shall be inserted.

Amendment of section 161, Madras Act XIV of 1920.

141. In sub-section (1) of section 161 of the said Act, for the words ' president of the taluk board in non-union areas, or of the president of the union board in union areas ' the words ' president of the panchayat ' shall be substituted.

Insertion of new section 163-A in Madras Act XIV of 1920.

142. After section 163 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1350.*]

Amendment of section 164, Madras Act XIV of 1920.

143. In sub-section (1) of section 164 of the said Act, for the words ' which is not set apart for a public road, but is set apart for any other public purpose ' the words ' which is set apart for any public purpose ' shall be substituted.

Substitution of new section for section 166, Madras Act XIV of 1920.

144. For section 166 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1351–1353.*]

145. In sections 168 and 169 of the said Act, for the words 'taluk board' wherever they occur, the word 'panchayat' shall be substituted. Amendment of sections 168 and 169, Madras Act XIV of 1920.
146. Section 170 of the said Act shall be omitted. Repeal of section 170, Madras Act XIV of 1920.
147. For section 171 of the said Act, the following section shall be substituted, namely:—
[*Vide pp.* 1354–1355.] Substitution of new section for section 171, Madras Act XIV of 1920.
148. In section 172 of the said Act—
(i) in sub-section (1)—
 (a) before the word and figures 'section 168' the words and figure 'sub-section (2) of' shall be inserted; and
 (b) for the words 'to the president of the district board' the words 'to the district board through its president' shall be substituted; and
(ii) in sub-sections (2) and (3), for the words 'taluk board' wherever they occur, the word 'panchayat' shall be substituted. Amendment of section 172, Madras Act XIV of 1920.
149. In section 174 of the said Act, for the word 'may' the word 'shall' and for the words 'taluk board' the word 'panchayat' shall be substituted. Amendment of section 174, Madras Act XIV of 1920.
150. In sections 176, 177, 178, 179, 180 and 181 of the said Act, for the words 'taluk board' wherever they occur, the word 'panchayat' shall be substituted. Amendment of sections 176, 177, 178, 179, 180 and 181, Madras Act XIV of 1920.
151. In section 183 of the said Act—
(i) for the words 'local board' and the word 'board' the word 'panchayat' shall be substituted; and
(ii) before the word 'articles' the words 'animals or' shall be inserted. Amendment of section 183, Madras Act XIV of 1920.
152. After section 183 of the said Act, the following sections shall be inserted, namely:—
[*Vide p.* 1358.] Insertion of new sections 183-A and 183-B in Madras Act XIV of 1920.
153. (1) In section 184 of the said Act—
(i) in sub-section (1), for the words 'taluk board' the word 'panchayat' shall be substituted and the words 'rents and' shall be omitted; and Amendment of section 184, Madras Act XIV of 1920.

(ii) in sub-section (2), for the words 'in English and a vernacular language of the district' the words 'in the chief vernacular language of the locality' for the words 'taluk board' the word 'panchayat' and for the words 'of every such place where they are leviable' the word 'thereof' shall be substituted.

(2) To the same section, the following explanation shall be added, namely:—

[*Vide p. 1358.*]

Amendment of section 185, Madras Act XIV of 1920. **154.** In section 185 of the said Act, for the words 'taluk board' in both the places where they occur, the word 'panchayat' shall be substituted.

Substitution of new section for section 186, Madras Act XIV of 1920. **155.** For section 186 of the said Act, the following section shall be substituted, namely:—
[*Not printed. See p. 1359.*]

Substitution of new section for section 187, Madras Act XIV of 1920. **156.** For section 187 of the said Act, the following section shall be substituted, namely:—
[*Vide pp. 1359–1360.*]

Repeal of section 188, Madras Act XIV of 1920. **157.** Section 188 of the said Act and the heading thereof shall be omitted.

Amendment of section 189, Madras Act XIV of 1920. **158.** In section 189 of the said Act—
(i) in sub-section (1), for the words 'union board' the word 'panchayat' shall be substituted;
(ii) sub-section (2) shall be omitted and sub-section (3) re-numbered as sub-section (2); and
(iii) in sub-section (2) as re-numbered, for the words 'local board' the word 'panchayat' shall be substituted.

Amendment of section 190, Madras Act XIV of 1920. **159.** In section 190 of the said Act—
(i) for the opening paragraph, the following paragraph shall be substituted, namely:—

[*Vide p. 1360.*]

(ii) in clause (a)—
(a) for the words 'except with the written permission' the words 'without or otherwise than in conformity with the written permission' shall be substituted;

(b) after the word 'cattle' the word 'horse' shall be inserted;

(c) for the words 'in any town or village notified by it by name' the words 'in the village or in any specified area therein' and for the words 'local board' the word 'panchayat' shall be substituted; and

(d) after the proviso the following proviso shall be inserted, namely:—

[*Vide p. 1361.*]

and

(iii) in clause (b), after the word 'cattle' the word 'horse' and for the words 'except on a licence' the words 'without or otherwise than in conformity with a licence' shall be substituted.

160. In section 191 of the said Act, for the words 'taluk or union board' the word 'panchayat' and for the words 'within the limits of the board' the words 'within the village' shall be substituted. Amendment of section 191, Madras Act XIV of 1920.

161. In section 193 of the said Act—

(i) in sub-section (1),

(a) for the words 'taluk board' the word 'panchayat' shall be substituted; Amendment of section 193, Madras Act XIV of 1920.

(b) for the words 'within its limits' the words 'within the limits of the village' shall be substituted; and

(c) for the words 'without the licence of the president of the union board if the place is within union limits, or of the president of the taluk board if it is outside such limits', the words 'without a licence issued by the president of the panchayat' and for the words 'specified therein' the words 'specified in such licence' shall be substituted;

(ii) in sub-section (2), for the words 'local board' the word 'panchayat' shall be substituted; and

(iii) sub-section (6) shall be omitted.

162. In section 194 of the said Act—

(i) in sub-section (1), for the words 'to the taluk board in non-union areas and to the union board in union areas' the words 'to the panchayat' shall be substituted; Amendment of section 194, Madras Act XIV of 1920.

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

[*Vide p. 1362.*]

(iii) in sub-section (3), for the words 'local board' the word 'panchayat' shall be substituted; and

(iv) for sub-section (4), the following sub-section shall be substituted, namely:—

[*Vide p. 1363.*]

Amendment
of section
195, Madras
Act XIV of
1920.

163. In section 195 of the said Act—

(i) in sub-section (1), for the words 'the taluk board in non-union areas and the union board in union areas' the words 'the panchayat' shall be substituted; and

(ii) in sub-section (2), for the words 'local board' the word 'panchayat' shall be substituted.

Amendment
of section
196, Madras
Act XIV of
1920.

164. In section 196 of the said Act—

(i) after the words 'action taken' the words 'or omitted to be taken' shall be inserted; and

(ii) the words 'by a local board' shall be omitted.

Amendment
of section
197, Madras
Act XIV of
1920.

165. In sub-section (1) of section 197 of the said Act, for the words 'taluk or union board' the word 'panchayat' and for the word 'under' in clause (c), the word 'against' shall be substituted.

Amendment
of section
198, Madras
Act XIV of
1920.

166. In section 198 of the said Act—

(i) in clause (a), for the words 'the president of the union board in union areas and the president of the taluk board in non-union areas' the words 'the president of the panchayat' shall be substituted; and

(ii) in clauses (b) and (c), for the words 'local board concerned' the word 'panchayat' shall be substituted.

Amendment
of section
199, Madras
Act XIV of
1920.

167. In sub-section (2) of section 199 of the said Act—

(i) for clause (b), the following clause shall be substituted, namely:—

[*Vide p. 1365.*]

(ii) in clause (h), the words 'or the Sanitary Board' shall be omitted;

(iii) in clause (i), for the words 'the manner in which such accounts shall be audited and published and as to' the words 'the audit and publication of such accounts and' shall be substituted;

(iv) for clause (n), the following clause shall be substituted, namely:—

[*Vide p. 1366.*]

(v) clause (o) shall be omitted and clauses (p), (q) and (r) shall be re-lettered as clauses (o), (p) and (q) respectively;

(vi) in clause (p) as re-lettered, the word 'and' at the end shall be omitted;

(vii) in clause (g) as re-lettered, the words 'to conduct inquiries relating to elections' shall be omitted and before the words 'to compel the production of documents' the word 'and' shall be inserted; and

(viii) after the same clause (g), the following clauses shall be added, namely:—

[*Vide p. 1367.*]

168. Sub-section (3) of section 201 of the said Act shall be omitted and after that section, the following section shall be inserted, namely:—

[*Vide p. 1367.*]

Amendment of section 201, and insertion of new section 201-A in Madras Act XIV of 1920.

169. In section 202 of the said Act—

(i) clause (1) shall be renumbered as (1A) and the following shall be inserted as clause (1), namely:—

[*Vide p. 1368.*]

(ii) sub-clause (e) of clause (10) shall be re-lettered as sub-clause (f) and the following shall be inserted as sub-clause (e), namely:—

[*Vide p. 1369.*]

and

(iii) sub-clause (b) of clause (11) shall be omitted and sub-clause (a) renumbered as clause (11).

Amendment of section 202, Madras Act XIV of 1920.

170. After section 203 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1369–1370.*]

Insertion of new section 203-A in Madras Act XIV of 1920.

171. In section 204 of the said Act, after the words 'The district board' the words 'taluk board or panchayat' shall be inserted.

Amendment of section 204, Madras Act XIV of 1920.

172. For section 205 of the said Act, the following sections shall be substituted, namely:—

[*Vide p. 1370.*]

Substitution of new sections for section 205, Madras Act XIV of 1920.

173. In section 206 of the said Act—

(i) for the words 'local board concerned' the word 'panchayat' shall be inserted; and

(ii) for the words 'to any union or to any specified area under the jurisdiction of a local board,' the words 'to the village or to any specified area therein' shall be substituted.

Amendment of section 206, Madras Act XIV of 1920.

Substitution
of new
section for
section 208,
Madras
Act XIV of
1920.

174. For section 208 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1372.*]

Amendment
of section
209, Madras
Act XIV of
1920.

175. After the proviso to section 209 of the said Act, the following further proviso shall be added, namely:—

[*Vide p. 1373.*]

Amendment
of section
212, Madras
Act XIV of
1920.

176. In section 212 of the said Act—

- (i) in sub-section (2), after the words ' may be charged ' the words ' on such units and ' shall be inserted;
- (ii) in sub-section (4), for the words ' Every order of the authority under this Act competent to pass an order ' the words ' Every order of the authority competent under this Act or any rule or by-law made thereunder to pass an order ' shall be substituted;
- (iii) in sub-section (5), the words ' and subject to such appeal as may be provided in case of refusal of a licence or permission ' shall be omitted;
- (iv) in sub-section (9), after the words ' licence or permission ' occurring at the end, the words ' and may, in his discretion, also recover summarily and pay over to the local board such amount, if any, as he may fix as the costs of the prosecution ' shall be added; and
- (v) in sub-section (11), after the words ' The acceptance by ' the words ' or on behalf of ' shall be inserted.

Amendment
of section
213, Madras
Act XIV of
1920.

177. In section 213 of the said Act, for the words ' be presented within thirty days after the date of receipt of the order or proceeding against which the appeal is made ' the following shall be substituted, namely:—

[*Vide p. 1375.*]

Amendment
of section
215, Madras
Act XIV of
1920.

178. In section 215 of the said Act—

- (i) for the words ' Every notification issued under this Act ' the words ' Save as otherwise provided, every notification other than one issued by the Local Government ' shall be substituted; and
- (ii) the proviso shall be omitted.

Insertion of
new section
215-A in
Madras Act
XIV of 1920.

179. After section 215 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1376.*]

180. In sub-section (3) of section 216 of the said Act for the words 'or form' the words 'form or other document' shall be substituted.

Amendment of section 216, Madras Act XIV of 1920.

181. For section 221 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1378.*]

Substitution of new section for section 221, Madras Act XIV of 1920.

182. In section 223 of the said Act, after the words 'Code of Criminal Procedure' the figures '1898' shall be inserted.

Amendment of section 223, Madras Act XIV of 1920.

183. For section 224 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1379.*]

Substitution of new section for section 224, Madras Act XIV of 1920.

184. For section 225 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1379–1380.*]

Substitution of new section for section 225, Madras Act XIV of 1920.

185. After section 227 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1380–1381.*]

Insertion of new section 227-A in Madras Act XIV of 1920.

186. In sub-section (1) of section 228 of the said Act, before the words 'for defect in form', the word 'merely' shall be inserted.

Amendment of section 228, Madras Act XIV of 1920.

187. In section 230 of the said Act, after the word 'exhibited' the words 'or any sign or mark erected' shall be inserted.

Amendment of section 230, Madras Act XIV of 1920.

188. In sub-section (1) of section 231 of the said Act, for the word 'village' in both the places where it occurs, the words 'revenue village' shall be substituted.

Amendment of section 231, Madras Act XIV of 1920.

189. In section 233 of the said Act, after the words 'authorize any person to exercise' the words 'in any local area, in regard to any local board or any class of local boards or all local boards in that area' and after the words 'except the power to make rules or alter or cancel Schedules', the words 'the power to determine the contribution payable under section 128 and the power to sanction prosecution under section 227 A' shall be inserted.

Amendment of section 233, Madras Act XIV of 1920.

Substitution
of new sec-
tion for
section
234, Madras
Act XIV of
1920.

190. For section 234 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1382.*]

Repeal of
heading of
sections 235
to 240,
Madras Act
XIV of
1920.

191. For the heading 'Transitional and transitory provisions' of sections 235 to 240 of the said Act the heading 'Miscellaneous' shall be substituted.

Substitution
of new
section for
section 236,
Madras
Act XIV of
1920.

192. For section 236 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1383.*]

Repeal of
sections 238
and 239,
Madras Act
XIV of
1920.

193. Sections 238 and 239 of the said Act shall be omitted.

Substitution
of new
section
for section
240, Madras
Act XIV of
1920.

194. For section 240 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1384–1385.*]

Substitution
of new rules
for rules 1
to 3 of
Schedule II,
Madras Act
XIV of
1920.

195. For rules 1 to 3 of Schedule II (hereinafter referred to as the said Schedule II) the following rules shall be substituted, namely:—

[*Vide p. 1386.*]

Amendment
of rules 4 to
12 and
repeal of
rule 13 of
Schedule II,
Madras
Act XIV of
1920.

196. Rule 13 of the said Schedule II shall be omitted and rules 4 to 12 renumbered as 5 to 13 respectively; and

(i) in rule 6 as renumbered, after the words 'shall have' the words 'and exercise' shall be inserted;

(ii) in rule 9 as renumbered, the words 'the votes of' shall be omitted;

(iii) in rule 10 as renumbered—

(a) for the words 'each meeting' the words 'every meeting' shall be substituted; and

(b) for the words 'president or the member who presided at such meeting' the words 'presiding member' shall be substituted;

(iv) in rule 11 as renumbered,

(a) in sub-rule (1), for the words 'a district or taluk board meeting' the words 'every meeting of a district or taluk board' and for the words 'local fund' the words 'district or taluk fund as the case may be' shall be substituted; and

(b) for sub-rules (2) and (3), the following sub-rules shall be substituted, namely:—

[*Vide p. 1388.*]

and

(v) for rule 12 as renumbered, the following rule shall be substituted, namely:—

[*Vide p. 1388.*]

197. In Schedule III to the said Act—

(i) in the headings, for the word and figures 'section 52' the words, figures and letters 'section 52 (c)' and for the word 'Taluk' the word 'Local' shall be substituted;

Amendment of Schedule III, Madras Act XIV of 1920.

(ii) for rule 1, the following rule shall be substituted, namely:—

[*Vide p. 1389.*]

(iii) rule 2 and the heading thereof shall be omitted;

(iv) for rule 3, the following rule shall be substituted, namely:—

[*Vide pp. 1389–1390.*]

(v) in rule 4, after the word 'representative' the words 'of a company or association or' shall be inserted; and

(vi) in rule 5, for the words 'in his own personal right and not in a fiduciary capacity' the words 'in his personal capacity' shall be substituted.

198. Rule 2 of Schedule IV to the said Act (hereinafter referred to as the said Schedule IV) shall be omitted.

Repeal of rule 2 of Schedule IV, Madras Act XIV of 1920.

199. In rule 3 of the said Schedule IV, for the words 'the district or taluk fund' the words 'local fund concerned' shall be substituted.

Amendment of rule 3 of Schedule IV, Madras Act XIV of 1920.

200. In rule 4 of the said Schedule IV, for the words 'as may be prescribed' the words 'as the Local Government may, by general or special order, direct' shall be substituted.

Amendment of rule 4 of Schedule IV, Madras Act XIV of 1920.

201. For the heading to rules 5 to 7, the following heading shall be substituted, namely:—

[*Vide p. 1390.*]

Substitution of new heading for the heading to rules 5 to 7 of Schedule IV, Madras Act XIV of 1920.

202. In rule 5 of the said Schedule IV—

(i) in sub-rule (1), for the words 'A local board' the words 'The president of a panchayat' shall be substituted and the words 'the companies tax' shall be omitted;

Amendment of rule 5 of Schedule IV, Madras Act XIV of 1920.

- (ii) in sub-rule (2)—
 - (a) after the words 'assessment books' the words 'and where detailed particulars relating to any assessment are kept in separate records the portion thereof containing such particulars' shall be inserted; and
 - (b) for the words 'any taxpayer' the words 'any person who pays any tax to the panchayat and such person or agent shall be entitled to take extracts, free of charge, from the said books and records' shall be substituted;
- (iii) in sub-rule (3), for the words 'any taxpayer' the words 'any person who pays any tax to the local board or his authorized agent' shall be substituted; and
- (iv) for sub-rule (4), the following sub-rule shall be substituted, namely:—

[*Vide p. 1391.*]

Substitution of new rule for rule 6 of Schedule IV, Madras Act XIV of 1920.

203. For rule 6 of the said Schedule IV, the following rule shall be substituted, namely:—

[*Vide p. 1391.*]

Repeal of rule 8 of Schedule IV, Madras Act XIV of 1920.

204. Rule 8 of the said Schedule IV and the heading thereof shall be omitted.

Substitution of new rules for rules 9, 10 and 11 of Schedule IV, Madras Act XIV of 1920.

205. For rules 9, 10 and 11 of the said Schedule IV and the heading thereof, the following heading and rules shall be substituted, namely:—

[*Vide pp. 1392–1393.*]

Amendment of the heading to rules 12 to 25 of Schedule IV, Madras Act XIV of 1920.

206. In the heading to rules 12 to 25 of the said Schedule IV, for the words 'tax on houses' the word 'house-tax' shall be substituted.

Amendment of rule 12 of Schedule IV, Madras Act XIV of 1920.

207. In rule 12 of the said Schedule IV, for the words 'union board' the word 'panchayat' and for the words 'on any principle other than that of valuation' the words 'on any other principle' shall be substituted.

Amendment of rule 13 of Schedule IV, Madras Act XIV of 1920.

208. In rule 13 of the said Schedule IV, after the words 'district board' the words 'or the Local Government' shall be inserted; and for the words 'rates of assessment under section 77', the words 'rates of tax under sections 75 and

77', for the word 'unions' the word 'villages' and for the words 'union board' the word 'panchayat' shall be substituted.

209. In rule 14 of the said Schedule IV, after the words 'district board' the words 'or the Local Government' shall be inserted; and for the words 'systematically decrease', the word 'decrease' shall be substituted.

Amendment of rule 14 of Schedule IV, Madras Act XIV of 1920.

210. For rules 15 and 16 of the said Schedule IV, the following rules shall be substituted, namely:—

[*Vide p. 1395*]

Substitution of new rules for rules 15 and 16 of Schedule IV, Madras Act XIV of 1920.

211. For rule 18 of the said Schedule IV, the following rule shall be substituted, namely:—

[*Vide p. 1396.*]

Substitution of new rule for rule 18 of Schedule IV, Madras Act XIV of 1920.

212. In rule 19 of the said Schedule IV—

(i) after the words 'may be levied' the words 'in accordance with these rules' shall be inserted;

(ii) for the words 'for public improvements' the words 'for any public improvement' and for the word 'union' the word 'village' shall be substituted; and

(iii) before the words 'such fund' the word 'each' shall be inserted.

Amendment of rule 19 of Schedule IV, Madras Act XIV of 1920.

213. For rule 20 of the said Schedule IV the following rule shall be substituted, namely:—

[*Vide p. 1396.*]

Substitution of new rule for rule 20 of Schedule IV, Madras Act XIV of 1920.

214. In rule 21 of the said Schedule IV, for the word 'lists' the word 'list' and for the words 'as the union board may fix' the words 'as the panchayat may, subject to the rules made by the Local Government, fix' shall be substituted.

Amendment of rule 21 of Schedule IV, Madras Act XIV of 1920.

215. In rule 22 of the said Schedule IV—

(i) for the words 'union board' the word 'panchayat', for the word 'section' the word 'rule' and for the words 'shall be taxed' the words 'is taxed' shall be substituted; and

(ii) after the words 'the class' the words 'if any' shall be inserted.

Amendment of rule 22 of Schedule IV, Madras Act XIV of 1920.

Amendment of rule 23 of Schedule IV, Madras Act XIV of 1920. **216.** In rule 23 of the said Schedule IV, for the words 'union board' the word 'panchayat' and for the words 'in the union' the words 'in the village' shall be substituted.

Substitution of new rule for rule 24 of Schedule IV, Madras Act XIV of 1920. **217.** For rule 24 of the said Schedule IV, the following rule shall be substituted, namely:—
[*Vide p. 1397.*]

Insertion of new rule 24-A in Schedule IV, Madras Act XIV of 1920. **218.** After rule 24 of the said Schedule IV, the following rule shall be inserted, namely:—
[*Vide p. 1397.*]

Amendment of rule 25 of Schedule IV, Madras Act XIV of 1920. **219.** In rule 25 of the said Schedule IV, for the words 'union board' the word 'panchayat', for the word 'year' in both the places where it occurs, the word 'half-year', for the words 'alterations and amendments' in the first place where they occur, the word 'amendments', for the words 'alterations and amendments thereof' the word 'amendments' and for the words and figures 'rules 23 and 24' the word and figures 'rule 23' shall be substituted.

220. In rule 26 of the said Schedule IV,
[*Vide p. 1397.*]

Substitution of new rule for rule 27 of Schedule IV, Madras Act XIV of 1920. **221.** For rule 27 of the said Schedule IV, the following rule shall be substituted, namely:—
[*Vide p. 1397.*]

Amendment of rule 28 of Schedule IV, Madras Act XIV of 1920. **222.** In rule 28 of the said Schedule IV—
(i) for the words 'local board' in the opening paragraph and in clause (i), the word 'panchayat' shall be substituted; and
(ii) for clause (ii) the following clause shall be substituted, namely:—
[*Vide p. 1398.*]

Amendment of rule 29 of Schedule IV, Madras Act XIV of 1920. **223.** In rule 29 of the said Schedule IV, for the words 'local board' the word 'panchayat' shall be substituted.

Amendment of rule 30 of Schedule IV, Madras Act XIV of 1920. **224.** In rule 30 of the said Schedule IV, for the words 'local board' the word 'panchayat' and for the word 'decreased' the word 'reduced' shall be substituted.

225. (1) In rule 31 of the said Schedule IV, for the words 'the adjudication of an appeal by the local board', the words 'when such an appeal is made, the adjudication of the panchayat thereon' shall be substituted.

Amendment of rule 31 of Schedule IV, Madras Act XIV of 1920.

(2) To the same rule, the following proviso shall be added, namely:—

[*Vide p. 1398.*]

226. For rule 32 of the said Schedule IV, the following rule shall be substituted, namely:—

[*Vide pp. 1398–1399.*]

Substitution of new rule for rule 32 of Schedule IV, Madras Act XIV of 1920.

227. In rule 33 of the said Schedule IV—

- (i) in sub-rule (1), the words 'or sending' shall be omitted;
- (ii) in sub-rule (3), for the word 'amount' the word 'tax' shall be substituted; and
- (iii) in sub-rule (4), for the words 'shall be leviable' the words 'shall be levied' shall be substituted.

Amendment of rule 33 of Schedule IV, Madras Act XIV of 1920.

228. In rule 34 of the said Schedule IV—

- (i) in sub-rule (1)—
 - (a) for the words 'but, if not,' the words 'but if the tax or fee is not paid' shall be substituted; and
 - (b) to clause (c), the following proviso shall be added, namely:—

Amendment of rule 34 of Schedule IV, Madras Act XIV of 1920.

[*Vide p. 1400.*]

and

- (ii) in sub-rule (2), for the words 'proportionate in value to the sum,' the words 'equal in value to the tax' shall be substituted.

229. In rule 35 of the said Schedule IV—

- (i) in sub-rule (1), for the words and figures 'again proceed under rule 32,' the words and figures 'again proceed under rule 33' shall be substituted; and
- (ii) in sub-rule (3), for the words 'which to his knowledge was not liable,' the words 'when to his knowledge, it was not liable' shall be substituted.

Amendment of rule 35 of Schedule IV, Madras Act XIV of 1920.

230. In rule 37 of the said Schedule IV, for the word and figures 'rule 33', the words and figures 'sub-rule (1) of rule 33' shall be substituted.

Amendment of rule 37 of Schedule IV, Madras Act XIV of 1920.

231. In rule 38 of the said Schedule IV—

- (i) for the words and figures 'remains unpaid at the end of the period mentioned in rule 33' the words and figures 'remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 33' shall be substituted;

Amendment of rule 38 of Schedule IV, Madras Act XIV of 1920.

- (ii) for the words 'such building or land' the words 'such building' shall be substituted;
- (iii) after the words 'within a specified period' the words 'not being less than fifteen days' shall be inserted;
- (iv) for the words 'this requisition' the words 'such requisition' shall be substituted; and
- (v) for the words 'found on the premises' the words 'found on the building' shall be substituted.

Amendment
of rule 39 of
Schedule IV,
Madras Act
XIV of
1920.

232. In rule 39 of the said Schedule IV—

- (i) in sub-rule (1)—
 - (a) for the words and figures 'under rule 33' the words and figures 'under sub-rule (2) of rule 33' shall be substituted; and
 - (b) in clause (b), the words 'and he shall also pay the said amount and the costs of the prosecution' shall be omitted;
- (ii) for sub-rule (2), the following sub-rule shall be substituted, namely:—

[*Vide p. 1401.*]

Insertion of
new rule 39-
A in Sche-
dule IV,
Madras Act
XIV of
1920.

233. After rule 39 of the said Schedule IV, the following rule shall be inserted, namely:—

[*Vide p. 1402.*]

Amendment
of rule 40 of
Schedule
IV, Madras
Act XIV of
1920.

234. In rule 40 of the said Schedule IV, for the word 'thereupon' the words 'upon such re-entry' shall be substituted.

Substitution
of new
Appendices
for Appen-
dices A, B
and C of
Schedule
IV, Madras
Act XIV of
1920.

235. For Appendices A, B and C to the said Schedule IV, the following Appendices shall be substituted, namely:—

[*Vide pp. 1402–1403.*]

Substitution
of new rules
for rule 1 of
Schedule V,
Madras Act
XIV of
1920.

236. For rule 1 of Schedule V to the said Act (hereinafter referred to as the said Schedule V) the following rules shall be substituted, namely:—

[*Vide pp. 1403–1405.*]

Amendment
of rule 2 of
Schedule V,
Madras Act
XIV of
1920.

237. In rule 2 of the said Schedule V, for the words 'district, taluk or union funds' the words 'village, taluk or district funds' and for the words 'district, taluk or union boards' the words 'panchayats, taluk boards or district boards' shall be substituted.

238. For rule 3 of the said Schedule V, the following rule shall be substituted, namely:—

[*Vide p. 1408.*]

Substitution
of new rule
for rule 3 of
Schedule V,
Madras Act
XIV of
1920.

239. For rule 5 of the said Schedule V, the following rule shall be substituted, namely:—

[*Vide pp. 1409–1410.*]

Substitution
of new rules
for rule 5 of
Schedule V,
Madras Act
XIV of
1920.

240. In rule 6 of the said Schedule V, for the words 'district, taluk and union funds' the words 'village, taluk or district funds' and for the words 'district, taluk or union boards' the words 'panchayats, taluk boards or district boards' shall be substituted.

Amendment
of rule 6 of
Schedule V,
Madras Act
XIV of
1920.

241. For rules 8 and 9 of the said Schedule V, the following rules shall be substituted, namely:—

[*Vide p. 1412.*]

Substitution
of new rules
for rules 8
and 9 of
Schedule V,
Madras Act
XIV of
1920.

242. In Schedule VII to the said Act—

(i) in clause (g), the words 'or burning lime' shall be omitted;

(ii) for clause (j), the following clause shall be substituted, namely:—

[*Vide p. 1413.*]

(iii) for clause (n), the following clauses shall be substituted, namely:—

[*Vide p. 1413.*]

and

(iv) the following proviso shall be added at the end, namely:—

[*Vide p. 1414.*]

Amendment
of Schedule
VII,
Madras Act
XIV of
1920.

243. In Schedule VIII to the said Act—

(i) after the item relating to section 129, the following item shall be inserted, namely:—

[*Vide p. 1414.*]

(ii) after the item relating to section 163, sub-section (2), the following items shall be inserted, namely:—

[*Vide p. 1414.*]

(iii) in the item relating to section 166, sub-section (1), for the words in the third column, the following words shall be substituted, namely:—

[*Vide p. 1416.*]

(iv) the item relating to section 170 shall be omitted;

Amendment
of Schedule
VIII,
Madras Act
XIV of
1920.

- (v) in the item relating to section 171, for the entries in columns (3) and (4), the following entries shall respectively be substituted, namely:—

[*Vide p. 1416.*]

- (vi) the item relating to section 186 shall be omitted; and

- (vii) in the item relating to section 187, sub-section (1), for the entries in columns (3) and (4) the following entries shall respectively be substituted, namely:—

[*Vide p. 1416.*]

Amendment
of Schedule
IX, Madras
Act XIV of
1920.

244. In Schedule IX to the said Act—

- (i) after the item relating to section 129, the following item shall be inserted, namely:—

[*Vide p. 1417.*]

- (ii) in the item relating to section 166, sub-section (1), for the words in the third column, the following words shall be substituted, namely:—

[*Vide p. 1418.*]

and

- (iii) in the item relating to section 187, sub-section (1), in the third column for the words 'without a licence' the words 'without licence or contrary to licence' shall be substituted.

Repeal of
Schedule X,
Madras Act
XIV of
1920.

245. Schedule X to the said Act shall be omitted.

Madras Act
XIV of 1920 as amended
by this Act
to be read
subject to
the rules
in the
Schedule.

246. In first giving effect to the provisions of the said Act as amended by this Act, the said provisions shall be read subject to the rules in the Schedule.

SCHEDULE.

Transitional Provisions.

1. Every district board constituted under the said Act shall be deemed to be a district board constituted under the said Act as amended by this Act.

2. Every taluk board constituted under the said Act shall be deemed to be a taluk board constituted under the said Act as amended by this Act.

3. (1) Every local area which at the commencement of this Act is a union under the said Act or a village under the Madras Village Panchayat Act, 1920, shall be deemed to be a village under the said Act as amended by this Act. Madras Act
XV of 1920.

(2) Every union board constituted under the said Act and every panchayat constituted under the Madras Village Panchayat Act, 1920, shall be deemed to be a panchayat constituted under the said Act as amended by this Act. Madras Act
XV of 1920.

4. The number of members constituting the strength of every local board or panchayat existing on the date of the commencement of this Act shall be deemed to be the number of members declared by notification under section 10 of the said Act as amended by this Act:

Provided that where the strength of a union board or panchayat has been fixed at seven, the Local Government shall appoint an eighth member thereto as soon as this Act comes into force.

Madras Act
XV of 1920.

5. (1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by, or for, any district, taluk or union board constituted under the said Act or any panchayat constituted under the Madras Village Panchayat Act, 1920, as well as all liabilities legally subsisting against such board or panchayat shall, on and from the date of the commencement of this Act and subject to such directions as the Local Government may, by general or special order, give in this behalf, pass to the district board, taluk board or panchayat concerned.

Madras Act
XV of 1920.

(2) All proceedings taken by any such district, taluk or union board under the said Act or by a panchayat under the Madras Village Panchayat Act, 1920, as the case may be, may in so far as they are not inconsistent with the provisions of the said Act as amended by this Act, be continued under the said Act as so amended, by the district board, taluk board or panchayat concerned.

Madras Act
XV of 1920.

(3) Any remedy by way of application, suit or appeal which is provided by the said Act as amended by this Act shall be available in respect of proceedings under the said Act or under the Madras Village Panchayat Act, 1920, pending on the date of the commencement of this Act, as if the proceedings in respect of which the remedy is sought had been instituted after the commencement of this Act.

(4) If any dispute arises as to the local board to which any property, right, interest or liability is to pass under sub-rule (1), or by which any proceeding is to be continued under sub-rule (2), or to or against which any remedy is to be available under sub-rule (3), the question shall be referred to the Local Government whose decision shall be final.

6. (1) Notwithstanding anything contained in the said Act or in this Act—

(a) (i) the members of every district or taluk board holding office on the date of the commencement of this Act shall be deemed to have been elected members of the district or taluk board constituted under the said Act as amended by this Act and their term of office shall, subject to the provisions

of sub-section (2) of section 54 and sections 56, 57 and 59 of the said Act as amended by this Act, extend to or expire on such date as the Local Government may fix and the Local Government shall cause elections to be held so that the newly elected members of the district or taluk board may come into office on the date fixed for the retirement of the old members; and

- (ii) the members of every union board or panchayat holding office on the date of the commencement of this Act shall be deemed to have been elected members of the panchayat constituted under the said Act as amended by this Act, and their term of office shall, subject to the provisions of sub-section (2) of section 54 and sections 56, 57 and 59 of the said Act as amended by this Act, extend to, or expire on, such date as the Local Government may fix and the Local Government shall cause elections to be held so that the newly elected members of the panchayat may come into office on the date fixed for the retirement of the old members;
- (b) the Local Government may, from time to time, postpone any date fixed by them under clause (a) and fix another date in lieu thereof;
- (c) the president and vice-president of the district board or taluk board and the president of the union board or panchayat holding office on the date of the commencement of this Act shall, subject to the provisions of sub-sections (1) and (2) of section 15, section 43 and section 44 of the said Act as amended by this Act hold office as president or vice-president of the district board, the taluk board or the panchayat, as the case may be, up to, or vacate office on, the date fixed under clause (a) or (b);
- ¹ [(cc) where, in consequence of a notification issued under section 4 or 5 of the said Act as amended by this Act, a new taluk board or panchayat is constituted with effect from the date fixed under clause (a) or (b), either by the constitution of a new taluk or village or by the inclusion or exclusion of any area in or from an existing taluk or village, the Local Government shall cause elections to such new taluk board or panchayat to be held so that the elected members thereof may come into office on the date so fixed;]

¹ Clause (cc) was inserted by section 2 of the Madras Local Boards (Amendment) Act, 1931 (Madras Act IX of 1931).

- (d) a meeting of the newly elected members of the district board, taluk board or panchayat shall be held on or as soon as may be after the said date, on a day and at a time fixed by the Local Government or such other authority as may be empowered by them in this behalf, for the election of the president and vice-president of the local board;
- (e) the term of office of the newly elected members of the district board, taluk board or panchayat or of the members elected in their places at casual vacancies shall expire at the end of three years, if the date fixed under clause (a) or (b) is the first day of November and in other cases at the end of three years from the first day of November immediately preceding such date; and

¹ [(f) any date fixed under clause (a) or (b) shall not be later than the thirty-first day of March 1932:

Provided that the Local Government may, by notification, from time to time, postpone the date mentioned in this clause in respect of any local board or class of local boards. Such notification shall contain a statement of the reasons therefor and shall be laid on the table of the Legislative Council.]

(2) (a) Any vacancy in the office of president or vice-president of a local board which is in existence on the date of the commencement of this Act or which occurs before the date fixed under clause (a) or (b) of sub-rule (1) shall be filled by election by the local board.

(b) Any such vacancy in the office of an appointed member of a local board shall be filled by appointment by the Local Government and in that of an elected member of a local board by election under the provisions of the said Act or of the Madras Village Panchayat Act, 1920, as the case may be, as amended by sections 47, 48, 50 and 51 of this Act.

(c) Any person elected or appointed as president, vice-president or member of a local board under clause (a) or (b) of this sub-rule shall hold office only up to the date fixed under clause (a) or (b) of sub-rule (1).

Explanation.—The office of president, vice-president or member of a local board to which no person had at any time prior to the commencement of this Act been elected or appointed including the office of vice-president of a panchayat created by this Act, shall be deemed to be vacant on the

¹ Clause (f) was substituted for the original clause by section 2 of the Madras Local Boards (Amendment) Act, 1931 (Madras Act IX of 1931).

date of the commencement of this Act within the meaning of this sub-rule.

7. Any action taken by any authorities before the commencement of this Act for taking which action new authorities are substituted by, or under, the said Act as amended by this Act, shall, unless inconsistent therewith, be deemed to have been taken by such new authorities, unless and until superseded by action taken by them.

8. Subject to the provisions of section 7 of the said Act as amended by this Act, the Local Government may, by notification published in the prescribed manner, fix the strength of any district board, taluk board or panchayat constituted under the said Act as amended by this Act at such number as they may think fit, with effect from the date fixed under clause (a) or (b) of sub-rule (1) of rule 6.

9. The land-cess levied under section 78 of the said Act as amended by this Act for the fasli year in which this Act is brought into force shall be distributed among district boards, taluk boards, panchayats and the committees constituted under section 114-A of the said Act as amended by this Act in such manner as the Local Government may, by general or special order, direct.

10. Any tax which was being levied by any panchayat on the date of the commencement of this Act under clause (a) or (b) of sub-section (1) of section 26 of the Madras Village Panchayat Act, 1920, shall continue to be levied for the year in which this Act is brought into force and for such further period, if any, as the Local Government may, by general or special order, declare to be necessary and may be recovered in the manner provided for the recovery of taxes in the rules in Schedule IV to the said Act as amended by this Act. Madras Act
XV of 1920.

11. (1) Notwithstanding anything contained in rule 3 of Schedule V to the said Act as amended by this Act, the Local Government may, as soon as may be after the passing of this Act, classify roads, choultries, hospitals and dispensaries, libraries, markets and fairs and festivals in the manner mentioned in the said rule 3 and such classification shall come into effect on the date of the commencement of this Act.

(2) Any classification made under this rule may, after the commencement of this Act, be altered under the said rule 3.

12. If any difficulty arises as to the first constitution or reconstitution of any local board after the commencement of this Act or otherwise in first giving effect to the provisions of this Act or of the said Act as amended by this Act, the Local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

MADRAS ACT No. XII OF 1930.¹

[THE ANDHRA UNIVERSITY (SECOND AMENDMENT), ACT, 1930.]

[9th September, 1930.]

An Act to amend the Andhra University Act, 1925.

Madras Act
II of 1926.

WHEREAS it is expedient to amend the Andhra University Act, Preamble. 1925; It is hereby enacted as follows:—

²[1. This Act may be called the Andhra University Short title. (Second Amendment) Act, 1930.]

2. In section 6, sub-section (3), of the Andhra University Act, 1925, for the words “in the towns of Vizagapatam, Rajahmundry or Anantapur” the words “in the head- quarters of the University” shall be substituted. Amendment of section 6 of Madras Act II of 1926.

MADRAS ACT No. XIII OF 1930.³

[THE ANDHRA UNIVERSITY (THIRD AMENDMENT) ACT, 1930.]

[9th September, 1930]

An Act to amend the Andhra University Act, 1925.

Madras Act
II of 1926.

WHEREAS it is expedient to amend the Andhra University Preamble. Act, 1925; It is hereby enacted as follows:—

²[1. This Act may be called the Andhra University (Third Short title. Amendment) Act, 1930.]

2. In section 6 of the Andhra University Act, 1925 (here- Amendment of section 6 of Madras Act II of 1926. inafter referred to as ‘the said Act’)—

- (i) in sub-section (3), the words ‘or as a first-grade college’ occurring after the words ‘as a University college’ shall be omitted;
- (ii) sub-section (4) shall be omitted.

3. In section 26 of the said Act—

For clause (c) the following shall be substituted, namely,—

[Vide p. 1635.]

Amendment of section 26 of Madras Act II of 1926.

4. In section 31 of the said Act, the word ‘non-political’ shall be substituted for the word ‘serious’.

Amendment of section 31 of Madras Act II of 1926.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 20th September 1927—Part IV, page 85.

² Section 1 was substituted for the original section by section 2 of the Madras Amending Act, 1930 (Madras Act I of 1931).

³ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 1st November 1927—Part IV, page 124.

THE MALABAR TENANCY ACT, 1929.

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MADRAS ACT No. XIV of 1930.¹

[THE MALABAR TENANCY ACT, 1929.]

[25th November, 1930.]

Preamble. WHEREAS it is necessary and expedient to define, declare, alter and amend, to the extent, in the manner, and for the purposes hereinafter appearing, the law relating to landlord and tenant in the district of Malabar; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

PRELIMINARY.*

- Short title.** 1. (1) This Act may be called the Malabar Tenancy Act, 1929.
- Local extent.** (2) It extends to the whole of the district of Malabar.
- Commencement.** (3) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint:

Provided that in all suits for eviction instituted after the 30th July 1929 and pending in the court of first instance on the date when this Act comes into force, which would have been governed by the provisions of this Act had it been in force at the time of their institution, the rights and obligations of the parties concerned shall be regulated by the provisions of this Act.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 30th July 1929—Part IV, pages 134–136.

2. Nothing in this Act shall apply to

Exemptions.

- (1) lands transferred by a landlord for felling timber or for fugitive cultivation or for planting tea, coffee, rubber, cinchona or any other special crop prescribed by a rule made by the Local Government, or the erection of any building for the purpose of or ancillary to, the cultivation of such crop, or the preparation of the same for the market:

Provided that no rule under this clause shall affect any land in respect of which any cultivating verumpattamdar has a right of fixity of tenure under this Act or any customary verumpattamdar, kanamdar or kuzhikanamdar has a right of renewal under this Act, so long as such rights subsist; or

- (2) lands on which pepper is the principal crop, or
 (3) any building owned by a landlord including a house, shop or warehouse, and the site thereof, together with the garden or land appurtenant thereto.

CHAPTER I.—DEFINITIONS.

3. In this Act, unless there is something repugnant in Definitions. the subject or context,—

- (a) 'Agricultural year' means the year commencing with the 15th March in any calendar year and ending with the 14th March of the following calendar year, or the year between such other dates as the Collector may specify in that behalf, by notification in the District Gazette, for the whole or any part of the district of Malabar; Agricultural year'
- (b) 'Court' means the Civil Court having jurisdiction under the Code of Civil Procedure, 1908, to entertain a suit for the possession of the holding or part thereof to which any legal proceeding under this Act relates; 'Court'
- (c) 'Cultivate,' with its grammatical variations, means cultivate either solely by one's own labour or with the help of the labour of the members of one's tarwad or family, or of hired labourers or both, or direct or supervise cultivation by such members or hired labourers, jointly or separately, provided that such members or hired labourers have not agreed to pay or take any fixed proportion of the produce of the land they cultivate as compensation for being allowed to cultivate it or as remuneration for cultivating it; 'Cultivate'
- (d) 'Dry land' means a land which is neither a 'wet land' nor a 'garden land'; 'Dry land'
- (e) 'Eviction' means the recovery of possession of land from a tenant and includes the redemption of a kanam. Eviction.'

- ‘Fair rent’. (f) ‘Fair rent’ means rent as determined in accordance with the provisions of Chapter II;
- ‘Garden land.’ (g) ‘Garden land’ means any land used principally for growing fruit-bearing trees;
- ‘Holding.’ (h) ‘Holding’ means a parcel or parcels of land held under a single engagement by a tenant from a landlord and shall include, any portion of a holding as above defined, which the landlord and the tenant may agree to treat as a separate holding;
- ‘Improvement.’ (i) (1) the word ‘improvement’ shall have the same meaning as it has in the Improvements Act;
- ‘Improvements Act.’ (2) ‘Improvements Act’ means **Malabar Compensation for Tenants’ Improvements Act, 1899;** Madras Act I of 1900.
- ‘Intermediary.’ (j) ‘Intermediary’ means any person who, not being a janmi, has an interest in land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to others;
- ‘Janmi.’ (k) ‘Janmi’ means a person entitled to the absolute proprietorship of land and includes a trustee in respect thereof;
- ‘Kanam.’ (l) ‘Kanam’ means the transfer for consideration in money or in kind or in both by a landlord of an interest in specific immovable property to another (called the ‘kanamdhar’) for the latter’s enjoyment, the incidents of which transfer include
- (1) a right in the transferee to hold the said property liable for the consideration paid by him or due to him which consideration is called ‘kanartham,’
 - (2) the liability of the transferor to pay to the transferee interest on the kanartham,
 - (3) the payment of ‘michavaram’ by the transferee,
 - (4) the right of the transferee to enjoy the said property for twelve years or any other period, and
 - (5) the liability of the transferee to pay a renewal fee to the transferor, if the transferee is permitted to enjoy the said property for a further period after the termination of the original period;
- ‘Kudiyiruppu.’ (m) (1) ‘Kudiyiruppu’ means and includes the site of any residential building, the site or sites of other buildings appurtenant thereto, such other lands as are necessary for the convenient enjoyment of such residential building, and the easements attached thereto;
- (2) ‘Separate kudiyiruppu’ means a kudiyiruppu which is the sole property comprised in a holding;

- (3) 'Separable kudiyruppu' means a kudiyruppu 'Separable kudi-yiruppu.' which is included with other property in a holding and which is not necessary for the convenient enjoyment, as usual, of any other part of the holding;
- (n) 'Kuzhikanam' means and includes a transfer by 'Kuzhi-kanam.' a landlord to another (called the kuzhikanamdar) of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer, for the enjoyment of those trees and for the purpose of planting such fruit-bearing trees thereon, the incidents of which transfer include (1) the right of the transferee to enjoy the lands for twelve years or for any other period, and (2) the liability of the transferee to pay a renewal fee to the transferor, if the transferee is permitted to enjoy the said lands for a further period after the termination of the original period;
- (o) 'Landlord' means a person under whom a tenant 'Landlord.' holds and to whom he is liable to pay rent or michavaram, and includes a janmi;
- (p) 'Melcharth' means the transfer by the landlord of 'Melcharth.' part of his interest in any land held by his tenant by which the transferee is entitled to evict such tenant;
- (q) 'Michavaram' means whatever is agreed by a 'Micha-kanamdar in a kanam deed to be paid periodically, in varam.' money or in kind or in both, to or on behalf of the janmi;
- (r) 'Pay' with its grammatical variations, includes 'Pay.' deliver;
- (s) 'Prescribed' means prescribed by rules made under 'Prescribed.' this Act;
- (t) 'Renewal fee' means fee or fees payable by a tenant 'Renewal fee.' to his landlord for the renewal of the legal relationship under which the tenant has been holding any land;
- (u) 'Rent' means whatever is lawfully payable in 'Rent.' money or in kind or in both, to a person entitled to the use or occupation of a land, by another, permitted by the person so entitled, to have the use or occupation of the said land, for any purpose, on the understanding, express or implied, that the person so permitted would pay consideration for such use or occupation;
- (v) 'Tenant' means any person who has paid or has 'Tenant.' agreed to pay rent, or other consideration, for his being allowed by another, to enjoy the land of the

latter, and includes an intermediary, a kanamdar, a kuzhikanamdar, and a verumpattamdar of any description;

- ‘ Verumpattamdar.’ (w) (1) ‘ Verumpattamdar ’ means a tenant other than a kanamdar or kuzhikanamdar of a holding, for agricultural purposes, which includes wet lands, and may or may not include other lands;
- ‘ Cultivating verumpattamdar.’ (2) ‘ Cultivating verumpattamdar ’ in respect of a holding means any verumpattamdar who, not being a janmi, intermediary or customary verumpattamdar of that holding has, expressly or impliedly, contracted to cultivate the lands in that holding, either as a tenant-at-will or during a fixed term, and actually cultivates the same;
- ‘ Customary verumpattamdar.’ (3) ‘ Customary verumpattamdar ’ means any verumpattamdar who is entitled by custom of the locality in which the land is situate to possession of the said land for a definite period of years and for whose continuance thereon after the termination of that period, for a further period, a renewal fee has to be paid to the landlord as an incident of the tenure; and
- ‘ Wet land.’ (x) ‘ Wet land ’ means land which is adapted for the cultivation of paddy.

CHAPTER II.—FAIR RENTS.

Interpretation clause.

4. In this Chapter—

- (a) ‘ seed required ’ means the quantity of seed customarily deemed to be required, and
- (b) ‘ gross produce ’ in respect of wet lands means the produce obtained after paying the expenses of reaping.

Fair rent of dry lands converted into wet by tenant's labour.

5. Fair rent in the case of dry lands converted into wet by the tenant's labour shall be—

- (a) for a period of twenty years from the year in which the first wet crop is raised on the land, one-fifth of the difference between the annual gross paddy produce of the land and three times the seed required for the said land for an agricultural year, and
- (b) after the expiration of the said period of twenty years, one-fifth of the difference between the annual gross paddy produce of the land and two and a half times the seed required for the said land for an agricultural year.

Fair rent of other wet lands.

6. In the case of wet lands not falling under the previous section, fair rent shall be two-thirds of the difference between one-third of the gross paddy produce of the land for the three

years immediately previous to the date on which fair rent is to be ascertained and two and a half times the seed required for the said land for an agricultural year :

Provided that

- (i) if, in any particular year, no crop at all is raised, or only a dry crop is raised on a land registered in the registers of the Government as a single-crop land, the produce shall be deemed to be the estimated produce of a single paddy crop; and
- (ii) in the case of lands registered as double-crop lands in the said registers, account shall be taken as though two paddy crops have been harvested, irrespective of the number and the kind of the crops raised, and of the fact that no crop whatever is raised in any particular year on such lands.

7. (1) In the case of garden lands, fair rent shall be a share, ascertained under sub-sections (2), (3) and (4) of this section, of one-third of the gross produce for the three years immediately previous to the date on which fair rent is to be ascertained. Fair rent of garden lands.

(2) As regards coconut trees in respect of which the landlord is bound to pay compensation under the Improvements Act in case of eviction, the share shall be one-fifth of the said one-third, of only the nuts included in such produce and, as regards trees in respect of which he is not bound to pay such compensation the share shall be two-fifths of the said one-third :

Provided that where a coconut tree has been let for tapping, its produce of nuts for the purposes of this sub-section during the said three years shall be deemed to be the same as the produce of nuts during the three years of a tree of a similar description and with similar advantages in the neighbourhood which has not been let for tapping.

(3) As regards areca trees and pepper vines where pepper is not the principal crop on the land in respect of which the landlord is bound to pay compensation under the Improvements Act in case of eviction, the share shall be one-sixth of the said one-third of only the nuts and pepper included in such produce, and as regards trees and pepper vines in respect of which he is not bound to pay such compensation, the share shall be one-third of the said one-third.

(4) Nothing shall be payable (i) for the minor produce of coconut or areca trees such as leaves, fibre, etc., whether such compensation is payable or not in respect of the said trees, or (ii) for the produce of other classes of fruit-bearing trees such as jack, mango, tamarind, palmyra and cashewnut.

8. Fair rent in the case of dry lands shall be three times the assessment payable in respect thereof per annum. Fair rent of dry lands.

Fair rent of
lands within
municipal
limits.

9. (a) In the case of lands situated within the limits of any municipality and not built or planted upon, or on which no crop is grown, the fair rent shall be the rent paid or agreed to be paid in respect of similar lands, of the same extent, in the neighbourhood;

(b) In the case of other lands situated within the said limits, the fair rent shall be the fair rent determined under sections 5 to 8, or the fair rent determined under sub-section (a) of this section, whichever is higher.

CHAPTER III.—CULTIVATING VERUMPATTAMDARS.

Cultivating
verumpat-
tamdars
right to
fixity of
tenure.

10. Notwithstanding any contract to the contrary entered into whether before or after the coming into force of this Act, every cultivating verumpattamdar shall have fixity of tenure in respect of his holding as hereinafter provided, and shall not be evicted therefrom except as provided in this Act.

Application
to court
for fixing
extent of
holding, fair
rent, etc.

11. Any cultivating verumpattamdar or his immediate landlord may apply to the court in the form prescribed for fixing the extent of the holding, the fair rent in respect of it, the instalments, if any, in which it shall be payable and the date or dates when the fair rent or the instalments thereof shall be payable.

Procedure
on receipt
of the
application.

12. On the receipt of an application under section 11, the court shall issue notice to all the parties concerned and after enquiry determine by an order—

- (i) the extent of the holding;
- (ii) the fair rent that is payable in respect of it;
- (iii) the instalments, if any, in which the fair rent shall be payable; and
- (iv) the date or dates on which the said rent or instalments shall be payable.

Landlord's
right to
advance of
one year's
fair rent or
security for
such fair
rent.

13. (1) A landlord may, at any time, by notice in writing, call upon his cultivating verumpattamdar, at the latter's option

- (a) to pay one year's fair rent of the holding in advance, or
- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance.

(2) If, within a period of six months from the date of the service of notice upon him under sub-section (1), the cultivating verumpattamdar fails to pay the advance or furnish the security demanded by the landlord, the landlord may apply to the court, in the form prescribed, for an order to direct the cultivating verumpattamdar, at the latter's option

- (a) to pay one year's fair rent of the holding in advance, or

- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance.

(3) On the receipt of an application under sub-section (2), the court shall issue notice to the cultivating verumpattamdar and, if satisfied after inquiry that the tenant has not complied with any of the provisions of sub-section (2), order the cultivating verumpattamdar, at the latter's option,

- (a) to pay one year's fair rent of the holding in advance, or
- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance,

within such date as the court may fix.

(4) Where the cultivating verumpattamdar has already paid a portion of one year's fair rent of the holding in advance, or furnished security for a portion of the said fair rent, the provisions of sub-sections (1) to (3) shall apply in respect of the balance of such fair rent.

(5) Any advance of fair rent paid by a cultivating verumpattamdar to his landlord, whether before or after a demand under sub-section (1) or deposited by him for such payment under clause (i) of sub-section (4) of section 15, shall bear interest at six per cent per annum from the date of payment or from the date of service of notice of such deposit through court, as the case may be.

14. No suit for eviction of a cultivating verumpattamdar from his holding shall lie at the instance of his landlord except on the following grounds:—

Grounds for
eviction of
cultivating
verum-
pattamdar.

- (1) that the tenant has wilfully denied the title of the landlord before the date of such suit;

Explanation.—A denial of the landlord's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause;

- (2) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially and permanently the value or utility of the holding for agricultural purposes;
- (3) that the tenant has not paid, within three months after the due date, the whole or any portion of the rent due in respect of the holding;
- (4) that the tenant has collusively allowed a stranger to encroach on the holding or part thereof adversely to the interests of the landlord;
- (5) that, at the end of an agricultural year, the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or

tarwad or tavazhi who has a property and beneficial interest therein;

(6) that, at the end of an agricultural year, the landlord requires the holding or part thereof *bona fide* for building purposes for himself or any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein;

(7) that the tenant has not complied with the order of the court under sub-section (3) of section 13.

Provided that in cases falling under clauses (4) and (6) where only a part of the holding has been encroached upon or is required, as the case may be, the eviction shall be from such part of the holding only.

Explanation.—In the case of a landlord governed by a law other than the Marumakkattayam law, the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding.

Tenant's
right to sue
for resto-
ration of
possession
of land in
certain
cases.

15. (1) In any case in which eviction has been obtained on the ground specified in clause (5) of section 14, subject to the provisions of section 43, if the landlord who has obtained such eviction transfers any of the lands to any person on any kind of lease or mortgage with possession or on kanam, kuzhikanam or verumpattam within six years of such eviction, the cultivating verumpattamdar shall be entitled to sue for the restoration to him of the possession of all the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating verumpattamdar.

(2) In any case in which eviction has been obtained on the ground specified in clause (6) of section 14, the cultivating verumpattamdar shall be entitled to the right of suit conferred by sub-section (1) not only under the circumstances mentioned therein but also if the building for constructing which the eviction was obtained is not erected on the lands within six years of the eviction.

(3) In any suit in which eviction is claimed on the ground specified in clause (3) of section 14, if the tenant deposits in court, for payment to the plaintiff in the suit, (i) the amount of rent due with interest thereon at the contract rate, if any, (ii) interest on the principal amount of the rent due at twelve per cent per annum from the date of suit up to the date of deposit, and (iii) the costs of the plaintiff up to that date, the court shall dismiss the suit.

(4) In any suit in which eviction is claimed on the ground specified in clause (7) of section 14, if the tenant—

(i) (a) deposits in court for payment to the plaintiff in the suit one year's fair rent of the holding in

advance or furnishes security for the same or deposits in court for such payment a portion of such fair rent and furnishes security for the remainder, or

(b) where he has already paid a portion of the said fair rent or furnished security for a portion thereof, deposits in court for payment to the plaintiff the balance of the said fair rent or furnishes security for such balance or deposits in court for such payment a portion of such balance and furnishes security for the remainder; and

(ii) deposits in court for payment to the plaintiff the costs of the latter up to the date of deposit;

the court shall dismiss the suit.

CHAPTER IV.—RENEWALS.

16. A customary verumpattamdar shall on the expiry of the verumpattam lease under which he holds be entitled to claim and his immediate landlord shall be bound to grant a renewal, enuring for a period of twelve years, of the same, on payment to him, as renewal fee, of three times the balance of the annual fair rent of the lands covered by the verumpattam lease after deducting both the annual rent payable under the previous lease and the annual Government revenue in cases where the revenue is payable by such customary verumpattamdar.

Customary verumpattamdar's right to claim renewal and the renewal fee to be paid by him.

17. (a) A kanamdar shall on the expiry of the kanam under which he holds be entitled to claim and his immediate landlord shall be bound to grant a renewal, enuring for a period of twelve years, of the same on payment, as renewal fee, of two and one-fourth times the balance of the annual fair rent of the lands covered by the kanam after deducting (1) the annual revenue payable on the kanam property to the Government, if payable by the kanamdar under the kanam deed, (2) the annual interest on the kanartham, and (3) the annual michavaram payable under the previous kanam.

Kanamdar's right to claim renewal and the renewal fee to be paid by him.

(b) When neither the rate of interest nor the amount of interest per annum nor the sum total of the annual revenue payable on the kanam property to Government by the kanamdar and the amount of interest per annum, is specified in the kanam deed, interest shall, for the purposes of sub-section (a), be calculated

(1) In North Malabar—at five per cent per annum, and

(2) In other places—at twelve per cent per annum when the kanartham does not exceed one thousand rupees; at nine per cent per annum subject to a minimum of one hundred and twenty rupees per

annum when it exceeds one thousand rupees but does not exceed three thousand rupees; and at six per cent per annum subject to a minimum of two hundred and seventy rupees if it exceeds three thousand rupees :

Provided that, when any usage governing kanam transactions fixes a rate of interest lower than what is provided for in this sub-section, the interest shall be calculated at such rate.

(c) Nothing in this section shall apply to a kanam

- (i) where the kanartham exceeds
 - in South Malabar, sixty per cent, and
 - in North Malabar, forty per cent,
 of the value of the janmi's rights in the holding, or
- (ii) where all the lands covered by the kanam are dry lands.

Explanation I.—For the purpose of sub-sections (b) and (c), 'North Malabar' means the taluks of Chirakkal, Kottayam, Kurumbranad and Wynaad; and 'South Malabar' means the other taluks in the district of Malabar.

Explanation II.—For the purpose of sub-section (c), the janmi's rights in the holding shall be valued at twenty times the excess of the annual fair rent of the holding over the annual revenue payable thereon to Government—

- (1) in the case of a kanam existing on the date of the commencement of this Act, on such date and
- (2) in the case of a kanam created after the commencement of this Act, on the date of the kanam.

Cultivating
kuzhikanam-
dar's right
to claim
renewal and
the renewal
fee to be
paid by him.

18. (1) A cultivating kuzhikanamdar shall on the expiry of the kuzhikanam under which he holds be entitled to claim and his immediate landlord shall be bound to grant a renewal, enuring for a period of twelve years, of the same, on payment, as renewal fee, of the total of one-fourth of the annual gross produce of the fruit-bearing trees and pepper vines where pepper is not the principal crop in the holding, belonging to the cultivating kuzhikanamdar and one-half of the annual gross produce of the other fruit-bearing trees and pepper vines where pepper is not the principal crop in the holding.

Inter-
mediary's
right to
claim rene-
wal of
kuzhikanam
and the
renewal fee
to be paid
by him.

(2) Any intermediary of the kuzhikanam shall, on the expiry of the kuzhikanam under which he holds, be entitled to claim and his immediate landlord shall be bound to grant a renewal, enuring for twelve years, of the same, on payment, as renewal fee, of the total of one-fourth of the annual gross produce of the fruit-bearing trees and pepper vines where pepper is not the principal crop in the holding, belonging to the intermediary and all the tenants below him

including the cultivating kuzhikanamdar and one-half of the annual gross produce of the other fruit-bearing trees and pepper vines where pepper is not the principal crop in the holding.

Explanation.—For the purpose of this section, the annual gross produce shall be deemed to be equivalent to a third of the total nuts, fruits and pepper produced during the immediately preceding three years, and where a coconut tree has been let for tapping its produce of nuts for the purposes of this section shall be deemed to be the same as the produce of nuts of a tree of a similar description and with similar advantages in the neighbourhood which has not been so let.

19. Subject to the provisions hereinafter contained, the renewal fee fixed under sections 16 to 18 shall be payable as follows:—

Time within which renewal fee is payable.

- (a) In case the tenant is not a cultivating kuzhikanamdar, two-thirds of the renewal fee in the year next after the termination of the expiring transaction and one-third in the next following year;
- (b) in case he is a cultivating kuzhikanamdar, one-third of the renewal fee in the year next after the termination of the expiring kuzhikanam and the rest in five equal consecutive annual instalments in the years following the said year.

20. No suit for eviction of a customary verumpattamdar, kuzhikanamdar or kanamdar shall lie at the instance of his landlord except on the following grounds:—

Grounds for eviction of customary verumpattamdar, kuzhikanamdar or kanamdar.

- (1) that the tenant has wilfully denied the title of the landlord before the date of such suit;

Explanation.—A denial of the landlord's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause;

- (2) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially and permanently the value or utility of the holding for agricultural purposes;
- (3) that the period of the verumpattam, kuzhikanam or kanam, as the case may be, has expired and no renewal has been obtained;
- (4) that the tenant has collusively allowed a stranger to encroach on the holding or part thereof adversely to the interests of the landlord;
- (5) that the period of the verumpattam, kanam or kuzhikanam, as the case may be, has expired and there has been no renewal and the landlord requires the holding *bona fide* for his own cultivation or for

that of any member of his family or tarwad or tava-zhi who has a proprietary and beneficial interest therein;

- (6) that the period of the verumpattam, kanam or kuzhikanam, as the case may be, has expired and there has been no renewal and the landlord requires the holding or part thereof *bona fide* for building purposes for himself or any member of his family or tarwad or tavazhi who has proprietary and beneficial interest therein;

Provided that in cases falling under clauses (4) and (6) where only a part of the holding has been encroached upon or is required, as the case may be, the eviction shall be from such part of the holding only.

Explanation.—In the case of a landlord governed by a law other than the Marumakkattayam law, the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding.

Tenant's
right to sue
for resto-
ration of
possession
of land in
certain
cases.

21. (1) In any case in which eviction is obtained on the ground specified in clause (5) of section 20, subject to the provisions of section 43 if the landlord who obtains such eviction transfers any of the lands to any person on any kind of lease or mortgage with possession or on kanam, kuzhikanam or verumpattam within six years of such eviction, the tenant shall be entitled to sue for the restoration to him of the possession of all the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a tenant.

(2) In any case in which eviction has been obtained on the ground specified in clause (6) of section 20, the tenant shall be entitled to the right of suit conferred by sub-section (1) not only under the circumstances mentioned therein but also if the building for constructing which the eviction was obtained is not erected on the lands within six years of such eviction.

Tenant's
right to
apply to
court for
execution of
renewal
deed.

22. (1) Notwithstanding any contract to the contrary (whether made before or after the commencement of this Act), a customary verumpattamdar, kanamdar or kuzhikanamdar shall be entitled to apply to the court in the form prescribed for the execution of a renewal deed.

(2) On the receipt of an application under sub-section (1) notice thereof shall be sent to the landlord from whom such renewal is claimed, fixing a date for the trial of the application.

23. (a) On the date fixed under sub-section (2) of section 22 the court shall call upon the said landlord to state in writing whether he desires to evict the tenant on any of the grounds referred to in section 20 except ground (3) and take the holding; and if the landlord expresses his intention to do so the application shall be dismissed.

Dismissal of application if landlord desires to evict the tenant on certain grounds.

(b) If the landlord sues to evict the tenant on ground (3) referred to in section 20, the tenant shall be entitled to make an application or fresh application under sub-section (1) of section 22 and the suit shall abide and follow the result of such application.

24. If the application is not dismissed under sub-section (a) of section 23, the court shall

Procedure on application under section 22.

(1) determine

(a) the amount to be paid as renewal fee under sections 16, 17 or 18,

(b) the amount of each instalment under section 19, and

(c) the date on which each instalment was or will become due; and

(2) make an order for the deposit, within a time to be fixed in the said order, of

Order to deposit renewal fee, etc.

(a) the instalment or instalments due on or before the date of the order,

(b) interest at 12 per cent per annum on each such instalment from the date on which it became due or from the date of the commencement of this Act, whichever is later, and

(c) all arrears of rent with interest thereon at the contract rate, if any, found due up to the date of the order if the landlord claims that any arrears of rent are due:

Provided that no such interest on a renewal fee or a portion thereof shall be payable if the landlord has refused a valid tender of the renewal fee payable under section 19 or if an application under sub-section (1) of section 22 has been dismissed under section 23 (a).

25. (1) If the deposit ordered under clause (ii) of section 24 if not made within the time fixed thereunder, the court shall dismiss the application, and such dismissal shall bar any subsequent application under section 22 by the tenant or those claiming under him.

Effect of failure to deposit renewal fee, etc.

(2) If the said deposit is made within the time fixed, the court shall

(i) execute a renewal deed containing such terms as it determines to be the terms of the expiring transaction and as are in accordance with law,

Execution of renewal deed by court.

(ii) pass, where necessary, an order directing the person entitled to the renewal deed to pay the landlord a further instalment or instalments of the renewal fee in accordance with section 19 with interest at six per cent per annum on each instalment from the due date to the date of payment, and

(iii) make such order as to costs of the proceedings before it as it may deem fit.

Legal effect of renewal deed executed by court.

(3) A renewal deed executed by the court under sub-section (2) shall have the same effect, as if it was executed by the landlord himself, and shall entitle the tenant to enjoy the holding for twelve years from the date of the termination of the previous lease, kanam or kuzhikanam.

Effect of renewal on the rights of landlord's landlord.

26. (1) In case there are one or more intermediaries between the janmi and the tenant in actual possession of the holding and a renewal has been granted by an intermediary (hereinafter referred to in this section as the grantor) after this Act comes into force or by the court on his behalf under sub-section (2) of section 25, if the grantor on his own part does not obtain renewal for any reason, the person to whom such renewal has been granted (hereinafter referred to as the grantee) shall be deemed to have contracted with the intermediary or the janmi who is the landlord next above the grantor, for the period of the renewal given to the grantee, on the terms on which the grantee had contracted with the grantor or on the terms on which the grantor had contracted with such next landlord, at such landlord's choice, and there shall be deemed to be privity of contract between the grantee and such landlord subject to the right of the janmi or the landlord to evict the tenant on the grounds specified in section 20 other than the ground of non-payment of renewal fee.

(2) The intermediary or the janmi who is the landlord next above the grantor shall be entitled to sue the grantor for the proportionate share of any renewal fee which he might have obtained from the grantee for the period between the termination of such grantee's interest in the land and that of the period for which he had given renewal.

Illustration.—A, a janmi, grants a kuzhikanam to B in 1928. B grants a sub-kuzhikanam to C in 1932. In 1940 B gets a renewal from A and in 1944 he grants a renewal to C. In 1952 B does not take a renewal. C shall be deemed to have contracted with A on the terms of his own renewal of 1944 or on the terms of B's renewal of 1940 at A's option, and A will not be entitled to evict C till 1956.

If, in the above illustration, B had taken a renewal fee of Rs. 120 from C when granting the renewal in 1944.

B shall be liable to pay *A* one-third of Rs. 120 for the period between 1952, when his interest ends and 1956, up to which *C* is entitled to stay on the land.

27. Where in respect of any customary verumpattam, kanam or kuzhikanam holding for which a renewal deed has been executed under the provisions of this chapter, if (a) no application is filed under sub-section (1) of section 22 or (b) within six months after the termination of the period for which the said renewal deed enures and of every period of twelve years succeeding such period, the tenant does not secure a renewal on such terms as may be agreed to between him and the landlord, he may be deemed at the option of such landlord to have agreed to a renewal on the terms of the said deed for twelve years from the date of the termination of each of the said periods, and the said landlord shall be entitled to sue the said tenant for the renewal fee specified in sections 16, 17 or 18.

Right of Landlord to sue for renewal fee in certain cases.

CHAPTER V.—RENTS.

28. Every cultivating verumpattamdar shall be bound to pay to his immediate landlord, fair rent as fixed under section 12:

Cultivating verumpattamdar's liability to pay fair rent.

Provided that in the case of a cultivating verumpattamdar's holding existing at the date on which this Act comes into force, the rent payable on such holding shall be deemed to be fair rent for a period of twelve years from such date; unless the rent fixed under section 12 has been taken into account for the purpose of calculating the renewal fee under Chapter IV and there has been a renewal, in which case, such rent shall be payable by the cultivating verumpattamdar from the date of renewal.

29. (1) As between any landlord and a cultivating verumpattamdar, the latter shall be liable for (a) the revenue payable to the Government as also the local cesses, on any land on which no rent is payable under this Act, and (b) any special charges leviable by the Government for special or additional crops raised on the wet lands.

Liability for revenue as between landlord and cultivating verumpattamdar.

(2) In the case of lands (within the limits of a municipality) in respect of which the landlord has obtained fair rent as ascertained under section 9, he shall bear the tax levied by the municipality for such land to the extent such rent is higher than what is payable therefor under sections 5 to 8; but otherwise the landlord and the tenant shall bear such tax in equal shares.

Liability for municipal tax.

30. (1) At any time after the expiry of twenty years from the date of an order fixing the fair rent in respect of a holding or from the date of the last confirmation or revision of such order under this section, the cultivating verumpattamdar, or his immediate landlord shall be entitled to

Revision of rent.

apply, in the form prescribed, to the court for the revision of such order so far as the fair rent is concerned.

(2) On the receipt of such an application, the Court shall, after notice to the landlord or the cultivating verumpattamdar, as the case may be, determine the fair rent and confirm or revise the order.

(3) If the order is revised, the cultivating verumpattamdar shall be bound to pay rent according to the revised order from the beginning of the agricultural year next after the date of such revision.

Application to court to fix fair rent in case of kuzhikanam.

31. (1) A cultivating kuzhikanamdar shall, when making an application under section 22, or the landlord may, when answering such an application, apply to the court dealing with the application to determine the fair rent payable in respect of the holding to which the application relates, and the court shall make an order determining the same before disposing of the said application, and for the period for which the renewal deed executed on the said application enures, the parties thereto shall be bound to pay and receive rent so determined by the court.

(2) Nothing in this section shall, in respect of the trees which had begun to bear fruits at or before the time of the execution of the deed referred to in clause (i) hereunder,

(i) entitle the landlord to claim or compel the tenant to pay, for a period of twelve years from the commencement of this Act, more than the rent specified in the latest kuzhikanam deed, original or renewed, executed before the commencement of this Act, or

(ii) authorize any claim for an enhancement at the time of each renewal by more than twelve and a half per cent of such rent.

Invalidity of claim for dues other than fair rent and renewal fee fixed under Act.

32. Notwithstanding any contract to the contrary, express or implied, whether entered into before or after the coming into force of this Act, no cultivating verumpattamdar shall be liable to pay to his landlord anything more or anything else than the fair rent and no tenant who is entitled to claim a renewal under this Act shall for the purpose of obtaining the renewal be liable to pay as renewal fee anything more or anything else than the renewal fee provided by this Act.

CHAPTER VI.—KUDIYIRUPPUS.

Tenant's right to offer to purchase landlord's right in kudi-yiruppu.

33. In any suit for eviction relating wholly or in part to a kudi-yiruppu, which has been in the continuous occupation of a tenant or the members of his family for ten years on the date of the institution of the said suit, such tenant shall be entitled to offer to purchase the rights in the kudi-yiruppu, of the landlord who seeks to evict him, at the market price on the said date.

34. (1) An offer under section 33 shall be in writing and shall contain the particulars prescribed. Procedure to enforce the offer.

(2) Notice of such offer, with a copy thereof, shall be served on the landlord at the expense of the tenant, fixing a date for the landlord to accept or decline the offer.

(3) After such notice has been served on the landlord, Points to be determined by court on the offer.

(a) if the landlord unconditionally accepts the offer, the court shall record such acceptance and order the tenant to deposit in court the price specified in his offer together with the arrears, if any, of rent, michavaram, the revenue payable to the Government by the tenant and the local cesses payable by the tenant in respect of such kudi-yiruppu and on such deposit the landlord shall be paid the amount deposited; and the suit, in so far as it relates to the eviction from the kudi-yiruppu, shall be dismissed; and

(b) if the landlord, for any reason, does not unconditionally accept the offer, the court shall decide whether the kudi-yiruppu is a separate or separable kudi-yiruppu.

(4) If the decision under clause (b) of sub-section (3) is that the kudi-yiruppu is separate or separable, the court shall proceed further and determine the market price of the landlord's rights as it stood on the date fixed for acceptance of the offer by the landlord and shall call upon the tenant to deposit the market price so settled together with the arrears referred to in clause (a) of sub-section (3), if any, on or before a date fixed by it in writing. Order to deposit market price, etc.

(5) Notwithstanding anything contained in sub-section (4), the court, if it is satisfied that the tenant is too poor to pay the market price in a lump sum, may dispense with the deposit of the market price and order that the said price be paid to the landlord, with interest at six per cent per annum, in as many annual instalments not exceeding twelve as the court may fix having regard to the means of the tenant, on condition that sufficient security is furnished by the tenant, for the regular payment of such instalments. Payment of market price by instalments.

35. If the decision under sub-section (3) of section 34 is that the kudi-yiruppu is neither separate nor separable, or if the deposit called for under sub-section (4) of the said section is not made or if the security called for under sub-section (5) of that section is not given on or before the date so fixed, the court shall dispose of the suit for eviction referred to in section 33 as if no such offer had been made. Effect of failure to deposit market price, etc.

Procedure
on deposit
of market
price, etc.

36. Upon the tenant making such deposit under sub-section (4) of section 34 or on security being given under sub-section (5) of that section together with the deposit of the arrears referred to in clause (a) of sub-section (3) of that section the suit referred to in section 33 in so far as it relates to the kudiyruppu, shall be dismissed.

Investment
of money
deposited at
the instance
of persons
interested
therein.

37. The court in which a deposit is made under this chapter may in its discretion at the instance of any person interested in the sum deposited order that such deposit be invested in the manner referred to in section 32 of the Land Acquisition Act, 1894.

Effect of
order or
decree under
section 36.

38. The order or decree under section 36 shall operate as a sale to the tenant of the landlord's rights in the kudiyruppu subject to the condition that in the event of any sale of the kudiyruppu, subsequent to the said order or decree by the tenant, his heirs, executors, representatives in interest or assigns, or in execution of a decree against them, or by a receiver in insolvency, the person who, but for the provisions of this section, would be entitled to the landlord's rights in the said property at the time of such subsequent sale, shall be entitled to claim pre-emption.

CHAPTER VII.—MISCELLANEOUS.

Tenant's
rights to be
heritable
and alien-
able.

39. Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.

Tenant's
right to
avail himself
of the
provisions of
Chapter III
or IV in
certain
cases.

40. (1) Any tenant whose holding has been granted on melcharth may when sued for eviction avail himself of the provisions of Chapter III or Chapter IV.

(2) No holder of a melcharth can when suing for eviction claim possession on grounds (5) and (6) of section 14 or on grounds (5) and (6) of section 20 as the case may be.

Renewal
fees and
arrears of
michavaram
and rent to
be a first
charge on
holding after
revenue.

41. Renewal fees and arrears of michavaram or rent due to the landlord together with interest, if any, payable on the same shall be a charge on the interest of the person from whom they are due in the holding in respect of which they are due as at the time of the creation of such interest, and such charge shall have priority over all other charges on the same except the charge for the revenue and any dues thereon payable to Government or to a local authority and made a charge thereon by any law for the time being in force.

Right of
holder of
decree for
eviction of
kuzhika-
namdar to
apply for
sale of
holding.

42. (1) A landlord who has obtained a decree for eviction in respect of a kuzhikanam, shall, in execution of such decree, be entitled to apply for the sale of the holding specified therein and of the improvements in respect of which compensation is awarded under the said decree, and for the payment to him of the balance of the sale price after deducting the amount of the said compensation.

(2) In case such an application is made by a landlord and a sale is held in pursuance of such application, the person to whom the said compensation has to be paid, shall be entitled to bid at the sale and set off the said compensation towards the sale price, and no deposit need be made by him at the sale except in so far as the price offered by him exceeds the said compensation.

Right of tenant to bid at such sale.

43. (1) (a) A suit for restoration under sub-section (1) of section 15 or under sub-section (1) of section 21 shall be instituted within one year from the date of the transfer by the landlord.

Limitation for suits for restoration under sections 15 and 21.

(b) A suit for restoration under sub-section (2) of section 15 or under sub-section (2) of section 21 shall be instituted within one year from the expiry of the six years after the eviction.

(2) If there are intermediaries between the landlord who has obtained the eviction and the person who cultivates the land, all persons whose interests in the holding are terminated by the eviction, shall be entitled to be restored to the respective interests they had at the time of the eviction as if there had been no eviction, and in case any one of them does not claim restoration the tenant next below him shall be entitled to claim such restoration and hold the land.

Persons entitled to restoration.

(a) on the terms on which the person not claiming the land held it, if he and the claimant belonged to the same class, or

(b) on the terms on which the claimant held it if he and the person who did not claim the land belonged to different classes;

provided always that, if the landlord obtaining eviction had paid any value for improvements to any one whose interests were so terminated, the person claiming restoration shall, before such restoration is effected, be bound to return to the landlord the value so paid in respect of the improvements existing at the time of the restoration together with the kanartham, if any, and also the value of the improvements, if any, effected *bona fide* by the landlord between the date of eviction and the date of suit.

Explanation.—For the purpose of this section, a kanamdar, an intermediary in respect of a kuzhikanam, a cultivating kuzhikanamdar, a verumpattamdar and a customary verumpattamdar belong each to a different class. A cultivating kanamdar, a non-cultivating kanamdar and a kanamdar under a kanamdar belong to the same class; and a cultivating verumpattamdar and a non-cultivating verumpattamdar belong to the same class.

Illustration.—If *A* is the janmi, *B* and *C* are kanamdar and sub-kanamdar and *D*, verumpattamdar cultivating the land, if *A* the janmi exercises his power to take the land for his own use and then inducts some other tenant into it within six years, *B* shall be entitled to claim as against *A* to be restored to his previous rights. But on *B* getting such restoration, *C* shall be entitled to claim as against *B* to step in as sub-kanamdar, and *D* shall be entitled to claim the verumpattamdar's rights as against *C*. If, however, *B* does not want to claim restoration, *C* shall be entitled to claim as against *A* to be put in the position of *B* the kanamdar, and *D* shall be entitled to claim as against *C* to be treated as his cultivating verumpattamdar. If both *B* and *C* do not claim restoration, *D* shall be entitled to claim as against *A* to be a verumpattamdar on the terms on which he held the land under *C*.

Surrender of holdings.

44. A kanamdar or kuzhikanamdar or customary verumpattamdar who has obtained a renewal or a cultivating verumpattamdar may, at the end of any agricultural year, surrender his holding to his immediate landlord, by a registered document.

Such a landlord shall not be bound to accept the surrender unless notice has been given in writing to him by the tenant of his intention to do so three months prior to the date of the expiry of the agricultural year, and unless it be in respect of the entire holding, and the whole of the arrears of the michavaram or rent is also tendered at the time of the surrender. Nor shall the landlord be bound to refund the kanartham or to pay the value of the improvements which he would have been otherwise bound to pay under the Improvements Act.

Applicability of Act to redeemed kanamdar, etc.

45. If (1) a cultivating kanamdar who consents to be redeemed or (2) a cultivating customary verumpattamdar who gives up his rights as such, desires to continue on the holding as a cultivating verumpattamdar, the provisions of this Act shall apply to him as if he were a cultivating verumpattamdar.

Contents of lease, kanam or kuzhikanam deeds.

46. Every deed by which a lease, kanam or kuzhikanam is created or renewal and its counterpart shall contain

- (a) the name, if any, and description and extent of the holding;
- (b) the Government revenue and local cesses, if any, payable in respect of the holding;
- (c) the amount of rent or michavaram payable in respect of the holding;
- (d) the relation that any *para* or other measure according to which the rent or michavaram has to be paid, bears to the capacity of the Macleod seer;

- (e) if it is a kanam deed,
 - (i) the kanartham;
 - (ii) the rate or the amount of interest payable in respect of the said kanartham; and
- (f) the renewal fee, if any, levied, and in case no such fee was levied, a statement to that effect.

47. (1) Every tenant paying any rent or michavaram shall be entitled to receive and the landlord shall be bound to grant a receipt specifying

Tenant's right to obtain receipts and forms of such receipts.

- (a) a description of the holding in respect of which it was paid;
- (b) the date of payment;
- (c) the amount paid;
- (d) the period to which the amount paid relates; and
- (e) the arrears, if any, remaining due from the tenant after the said payment.

A reference to the date and registration number of the document under which the holding is held and also the name of the sub-registration district in which the said holding is situate, shall be deemed to be a sufficient description of the holding for the purpose of this sub-section.

(2) In the absence of the particulars specified in clause (e) of sub-section (1), the burden of proving that the tenant is bound to pay any arrears of rent or michavaram which had accrued previous to the date of the receipt, shall be on the person claiming such arrears.

(3) If any landlord fails to grant a receipt as provided under sub-section (1), the tenant shall be entitled to send by money order, after deducting the charges for doing so,

- (i) the money, if the rent or michavaram is payable in money, and
- (ii) the money value of the rent or michavaram, if it is payable in kind.

48. The stamp and registration charges for any lease or kanam or kuzhikanam deed and for the counterpart of such lease, kanam or kuzhikanam shall be borne by the tenant.

Stamp and registration fees to be paid by the tenant.

49. The provisions of the Improvements Act shall apply in all cases of eviction to which this Act applies.

Improvements Act to apply to evictions under Act.

50. (1) The procedure provided as regards suits in the Code of Civil Procedure, 1908, including Orders XXXVIII, XXXIX and XL of the first schedule, shall be followed as far as it can be made applicable in all proceedings relating to applications under this Act.

Code of Civil Procedure, 1908, to apply to proceedings under Act.

Appeals. (2) Appeals shall lie from orders made under sections 12, 23, 25, 30, 31, 34, 35 and 36, as if they were decrees in suits.

Collector to publish list of prices. 51. (1) The Collector of the district shall in the month of April of every year publish in the *Malabar District Gazette* the average market price of paddy, coconut, arecanut and pepper, at each taluk headquarters, for the twelve complete months preceding the date of publication.

(2) Where any rent, michavaram or renewal fee payable under this Act is paid or is to be paid in money, in whole or in part, paddy, coconuts, arecanuts and pepper, shall be valued, for the purpose of determining the sum due, at the average market price of the previous five years as published under sub-section (1).

Place of delivery of rent payable in kind. 52. Where the rent is payable in kind, it shall, in the absence of a contract to the contrary, be delivered at the landlord's granary in the village in which the holding is situated, or at such other granary within three miles of the village as may be provided in that behalf by the landlord.

Savings. 53. Nothing in this Act shall affect the right of a janmi in any of his holdings—

- (1) to make irrigation channels, foot-paths, roads and ways into adjacent and other holdings,
- (2) to work laterite and other quarries, and
- (3) to cut and remove the trees or enjoy the usufruct of trees and pepper vines belonging to him.

Provided that the tenant shall be entitled to a proportionate reduction of michavaram or rent if by the exercise of such right his profits are decreased.

Power to make rules. 54. (1) The Local Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, they may make rules regulating all or any of the following matters:—

- (a) The investing of courts of original jurisdiction with powers to try summarily suits for the recovery of rent or michavaram and the procedure to be followed in such suits;
- (b) the period of limitation for applications under this Act for which no period is specifically fixed therein.

(3) All rules made under this section shall be placed on the table of the Legislative Council while it is in session for a period of not less than three months before they come into force.

MADRAS ACT No. I of 1931.¹

[THE MADRAS AMENDING ACT, 1930.]

[27th January, 1931.]

An Act to amend certain enactments.

WHEREAS it is expedient that certain amendments should be Preamble.
made in the enactments specified in the schedule;
It is hereby enacted as follows:—

1. This Act may be called the Madras Amending Act, Short title.
1930.

2. The enactments specified in the schedule are hereby Amendmen
amended to the extent and in the manner mentioned in the of certain
fourth column thereof. enactments

SCHEDULE

(See section 2.)

AMENDMENTS.

Year.	Num- ber.	Short title.	Amendments.
(1)	(2)	(3)	(4)
1929	VI	The Andhra University (Amendment) Act, 1929.	For section 1, the following section shall be substituted namely:— “1. This Act may be called Short title. the Andhra Univer- sity (Second Amend- ment) Act, 1929.”
1929	XVI	The Andhra University (Amendment) Act, 1929.	For section 1, the following section shall be substituted namely:— “1. This Act may be called Short title. the Andhra Univer- sity (Third Amend- ment) Act, 1929.”
1930	XII	The Andhra University (First Amendment) Act, 1929.	For section 1, the following section shall be substituted namely:— “1. This Act may be called Short title. the Andhra Univer- sity (Second Amend- ment) Act, 1930.”
1930	XIII	The Andhra University (Third Amendment) Act, 1929.	For section 1, the following section shall be substituted, namely:— “This Act may be called Short title. the Andhra Univer- sity (Third Amend- ment) Act, 1930.”

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*,
dated 4th November 1930—Part IV, page 441.

MADRAS ACT No. II OF 1931.¹

[THE MADRAS CIVIL COURTS (AMENDMENT) ACT.]

[27th January, 1931.]

An Act further to amend the Madras Civil Courts
Act, 1873.

Preamble. WHEREAS it is expedient further to amend the Madras Civil Courts Act, 1873, for the purposes hereinafter appearing; It ^{Act III of 1873.} is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Civil Courts (Amendment) Act.

Insertion of new section 3 A in Act III of 1873. 2. After section 3 of the Madras Civil Courts Act, 1873 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

[Vide pp. 102–103.]

Amendment of section 6 of Act III of 1873. 3. In section 6 of the said Act, for the words “ the Judge of a District Court ” (hereinafter called a District Judge) the words “ a District Judge ” shall be substituted.

Amendment of section 21 of Act III of 1873. 4. In section 21 of the said Act, in the second paragraph, for the words “ a District Judge ” the words “ the District Judge ” shall be substituted.

Amendment of section 22 of Act III of 1873. 5. In section 22 of the said Act, for the words “ the District Courts,” the words “ a District Court ” and for the words “ the Judges of such Courts ” the words “ the District Judge ” shall be substituted.

Amendment of section 25 of Act III of 1873. 6. In section 25 of the said Act, after the words “ in which his Court is held ” the words “ the senior Additional District Judge or the Additional District Judge as the case may be, or if there is no Additional District Judge ” shall be inserted.

THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931.

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PREAMBLE.

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1. Short title, extent and commencement.
2. Definitions.
3. Amendment of certain enactments.
4. Imposition of tax on motor vehicles.
5. Payment of tax and issue of licence.
6. Carriage of licence on vehicle and duty to stop it on demand by police officer.
7. Penalty for failure to pay tax.

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 23th October 1930—Part IV, age 436.

SECTIONS.

8. [Omitted.]
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10. Utilization of the proceeds of the tax.
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- 11-A. Saving as to vehicles used for agricultural purposes.
12. [Omitted.]
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14. Modification of the power of the Local Government to levy tolls under the Indian Tolls Act, 1851.
15. Modification of leases executed before Act.
- 15-A. Trial of offences.
16. Power of Local Government to make rules.
17. Power of Local Government to make rules to amend Schedule II.

SCHEDULE I.

SCHEDULE II.

MADRAS ACT No. III OF 1931.¹

THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931.

[31st March, 1931.]

WHEREAS it is expedient to abolish within the Presidency of Preamble.
Madras the levy of all tolls existing at the time of the com-
mencement of this Act;

And whereas it is expedient to abolish the levy of taxes
on motor vehicles by local bodies within the said Presidency;

And whereas it is also expedient to provide for the levy
of a provincial tax on motor vehicles in the said Presidency;

And whereas the previous sanction of the Governor-General
has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Motor Vehicles Taxation Act, 1931. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Presidency of Madras.

(3) It shall come into force on such date as the Local
Government may, by notification in the *Fort St. George*
Gazette, appoint.

2. In this Act, unless there is anything repugnant in the Definitions.
subject or context,—

- (i) 'licensing officer' means an officer appointed by the 'Licensing
Local Government to exercise the powers and perform officer.'
the functions of a licensing officer under this Act;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 20th January 1931—Part IV, pages 14–15.

- 'Local body.' (ii) 'local body' means the Corporation of Madras or a municipal council or a district board ¹[or a Cantonment authority] constituted under any enactment for the time being in force;
- 'Motor vehicle.' (iii) 'motor vehicle' has the same meaning as in the Indian Motor Vehicles Act, 1914; Act VIII of 1914.
- 'Pre-scribed.' (iv) 'prescribed' means prescribed by the Local Government by rules made under this Act;
- (iv-a) 'public road' means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;]
- 'Registered owner.' (v) 'registered owner' means the person in whose name a motor vehicle is registered under the Indian Motor Vehicles Act, 1914; Act VIII of 1914.
- 'Tax.' (vi) 'tax' means the tax leviable under sub-section (1) of section 4;
- 'Trailer.' (vii) 'trailer' means any vehicle other than a sidecar drawn or propelled or intended to be drawn or propelled by a motor vehicle;
- 'Unladen weight.' (viii) 'unladen weight' in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all ³[parts and equipment,] which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and
- 'Year.' (ix) 'year' means the financial year; 'half-year' means the first six months or the second six months of such year; and 'quarter' means the first three months or the second three months of such half-year.

Amendment of certain enactments. 3. The enactments specified in Schedule I are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Imposition of a tax on motor vehicles. 4. (1) The Local Government may, by notification in the *Fort St. George Gazette*, from time to time direct that a tax shall be levied on every motor vehicle ⁴[using any public road in the Presidency of Madras].

¹ These words were inserted by section 2 (1) of the Madras Motor Vehicles Taxation (Amendment) Act, 1931 (Madras Act X of 1931).

² Clause (iv-a) was added by section 2 (i) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

³ These words were substituted for the words "parts, equipment, stores, fuel, oil and water" by section 2 (ii) *ibid.*

⁴ These words were substituted for the words "kept or used in the Presidency of Madras" by section 3 (i) *ibid.*

(2) The notification issued under sub-section (1) shall specify the rates at which, and the quarter from which, the tax shall be levied :

Provided that the rates shall not exceed the maxima specified in Schedule II :

¹[* * * *]

5. ²[(1) (a) Upon the issue of a notification under sub-section (1) of section 4, no motor vehicle shall be used on any public road in the Presidency of Madras in any quarter, unless the registered owner or person having possession or control thereof has obtained a licence under sub-section (3) in respect of the vehicle on payment of the tax, if any, due thereon for such quarter;

Payment of
tax and issue
of licence.

(b) Any such owner or person may pay in advance the tax due on a motor vehicle for two or more consecutive quarters of the same year. When the tax is so paid, such rebate shall be allowed as may, from time to time, be notified by the Local Government;

(c) Where the tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof not being less than one month, a refund of the tax at such rates as may, from time to time, be notified by the Local Government, shall be payable subject to such conditions as may be specified in such notification.]

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any quarter on account of any taxable motor vehicle, ³[the tax due in respect of which for the same quarter], has already been paid by some other person.

(3) ⁴[(a) When any person pays the amount of tax due in respect of a motor vehicle using any public road in the Presidency of Madras or proves to the satisfaction of the licensing officer that no tax is payable in respect of such vehicle, the licensing officer shall—

(i) grant to such person a licence, in such form as may be notified by the Local Government, to use the vehicle on public roads in the Presidency of Madras for the quarter or quarters concerned; and

¹ The second proviso was omitted by section 3 (ii) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

² Sub-section (1) was substituted for the original sub-section by section 4 (i) *ibid.*

³ These words were substituted for the words "in respect of which the full tax for the same quarter" by section 4 (ii) *ibid.*

⁴ Clause (a) of sub-section (3) was substituted for the original by section 4 (iii) *ibid.*

- (ii) record that the tax has been paid for a specified quarter or quarters or that no tax is payable in respect of the vehicle, as the case may be, in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Local Government under the Indian Motor Vehicles Act, 1914, or in the case of vehicles not registered under the said rules, in a certificate in such form as may be notified by the Local Government.] Act VIII of 1914.

(b) Every licence granted under clause (a) shall be valid throughout the Presidency of Madras.

Carriage of
licence on
vehicle and
duty to stop
it on
demand by
police
officer.

¹[6. (1) The licence granted in respect of a motor vehicle under clause (a) of sub-section (3) of section 5 shall be carried in a conspicuous place upon the vehicle in such manner as may be notified by the Local Government and if such a licence is not so carried upon such vehicle, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) Any police officer in uniform who is not below the rank of sub-inspector or who being below such rank is specially authorized in this behalf by the Commissioner of Police in the City of Madras and by the District Magistrate elsewhere, may require the driver of any motor vehicle on any public road to stop the vehicle and cause it to remain stationary so long as may reasonably be necessary for the purpose of satisfying himself that a licence has been obtained in respect of such vehicle for the quarter then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer under sub-section (2) or resisting such officer shall be punishable with fine which may extend to fifty rupees.]

Penalty for
failure to
pay tax.

7. If the tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

²[8. * * * *]

Recovery of
tax as an
arrear of
land
revenue.

9. Any tax due under this Act may also be recovered in the same manner as an arrear of land revenue. ³[The motor vehicle in respect of which the tax is due or its accessories

¹ Section 6 was substituted for the original by section 5 of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

² Section 8 was omitted by section 6 *ibid.*

³ This sentence was added by section 7 *ibid.*

may be distrained and sold in pursuance of this section, whether or not such vehicle or accessories are in the possession or control of the person liable to pay the tax.]

10. (1) From the proceeds of the tax collected under this Act, after deducting the expenses of collection, which shall be ascertained by the Local Government, the Local Government shall annually—

Utilization
of the
proceeds of
the tax.

- (a) pay to each local body which at the commencement of this Act was levying tolls, or vehicle tax on motor vehicles, or both, a sum determined by the Local Government as representing the average annual income of the local body during the three years ending the 31st day of March 1931 from such tolls, or vehicle tax on motor vehicles, or both as the case may be; and
- (b) credit to themselves a sum determined by them as representing their average annual income during the said three years from all tolls levied by the Local Government in the Presidency of Madras.

(2) In determining the amount payable to a local body under sub-section (1), the Local Government shall take into account—

- (a) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;
- (b) the amounts which the local body should have paid to any other local body on account of collections made on behalf of the latter and remaining to be adjusted; and
- (c) the vehicle tax payable on vehicles owned by the local body or by its employees in respect of which exemptions were granted by the local body.

(3) If in any year the net proceeds of the tax fall short of the aggregate of the amounts payable to local bodies under clause (a) of sub-section (1) and creditable to the Local Government under clause (b) of the said sub-section, such proceeds shall be distributed among the local bodies and the Local Government proportionately to the sums determined under sub-section (1) as payable to each such local body and to the Local Government, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus.

(4) The balance, if any, of the net proceeds of the tax after making the distribution referred to in sub-sections (1) and (3) shall be expended in such manner as the Local Government may determine solely on the construction, improvement and maintenance of roads in the Presidency of Madras.

Exemptions. 11. (1) The Local Government may by notification in the *Fort St. George Gazette* make an exemption, reduction in the rate or other modification in regard to the tax payable

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

(2) Every notification issued under sub-section (1) shall be laid on the table of the Legislative Council for a period of two months when the Council is in session.

Saving as to vehicles used for agricultural purposes. 11-A. Nothing in this Act shall apply to a motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce ¹[. . .] shall not for the purpose of this section be deemed to be used solely for the purposes of agriculture.

²[12. * * * *]

Protection in respect of acts done in good faith. 13. No prosecution, suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Modification of the power of the Local Government to levy tolls under the Indian Tolls Act, 1851. 14. (1) The power of the Local Government to levy tolls under section 2 of the Indian Tolls Act, 1851, shall be ^{Act VIII of 1851.} exercised only in respect of any road or bridge which they may make or repair after the commencement of this Act at their expense:

Provided that such tolls shall be levied only at such rates and for such period as the Local Government may by notification in the *Fort St. George Gazette* declare to be necessary for the recovery of the amount expended upon such road or bridge or such portion of the amount as they may determine.

(2) Save as provided in this section, no tolls shall, after the commencement of this Act, be levied or collected in the Presidency of Madras.

Modification of leases executed before Act. 15. (1) Where, before the commencement of this Act, the collection of the tolls leviable at any toll station or toll stations under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Indian Tolls Act, 1851, has been leased out to any person and the lease relates wholly or in part to any period subsequent to the commencement of this Act, the amount which the lessee has contracted to pay to the local body concerned, or to the Local Government shall be reduced by the amount of the loss suffered by him in consequence of this Act having come into force. ^{Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920. Act VIII of 1851.]}

¹ The words "along a road" were omitted by section 8 of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

² Section 12 was omitted by section 9 *ibid.*

Act VIII of
1851.

(2) If the lessee and the local body concerned are unable to agree as to the amount of such loss or if any other dispute arises between them as to the effect of this Act on the contract of lease, such dispute shall be referred to the Collector of the district; and any such dispute arising between the Local Government and their lessee under the Indian Tolls Act, 1851, shall be decided by the Local Government. The decision of the Collector or the Local Government, as the case may be, shall be final unless the same is questioned in any Court of Law within a period of three months.

15-A. No Court inferior to that of a second-class Magistrate shall try any offence punishable under this Act. Trial of offences.

16. (1) The Local Government may make rules for carrying out all or any of the purposes of this Act. Power of Local Government to make rules.

(2) Any rule made under sub-section (1) may provide that a breach thereof shall be punishable with fine which may extend to fifty rupees.

(3) All rules made under this section shall be laid on the table of the Legislative Council.

17. (1) The Local Government may make rules amending Schedule II. Power of Local Government to make rules to amend Schedule II.

(2) All references in this Act to Schedule II shall be construed as referring to such Schedule as for the time being amended in exercise of the powers conferred by sub-section (1).

(3) A draft of any rule proposed to be made under this section shall be laid on the table of the Legislative Council and the rule shall not be made, unless the Council approves the draft either without modification or addition or with modifications or additions; and upon such approval being given, the rule may be made in the form in which it has been approved, and such rule, on being so made, shall be published in the *Fort St. George Gazette*, and shall thereafter be of full force and effect.

SCHEDULE I.

(See section 3.)

Year.	Num-ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1919 ..	IV ..	Madras City Municipal Act, 1919.	(1) In section 3, for clauses (6) and (7) the following clauses shall be substituted, namely:— “(6) ‘carriage’ means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1919 ..	IV ..	Madras City Municipal Act, 1919— <i>cont.</i>	<p>(7) 'cart' includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914."</p> <p>(2) In section 98, clause (g) shall be omitted and clause (h) re-lettered as (g).</p> <p>(3) In section 118, clause (g) shall be omitted and clause (h) re-lettered as (g).</p> <p>(4) In the proviso to sub-section (1) of section 122, the words and figures 'the Indian Motor Vehicles Act, 1914, or' shall be omitted.</p> <p>(5) In the proviso to section 127, the word 'motor-bicycle' shall be omitted.</p> <p>(6) Sections 130 to 134 and the heading there-to shall be omitted.</p> <p>(7) In sub-section (1) of section 142, the word 'tolls' shall be omitted.</p> <p>(8) In clause (2) of section 349, for the words 'duties and tolls' the words 'and duties' shall be substituted.</p> <p>(9) In section 396, the word 'toll' shall be omitted.</p> <p>(10) Clause (c) of section 402 shall be omitted.</p> <p>(11) In section 405, the word 'toll' shall be omitted wherever it occurs.</p> <p>(12) For rule 10 of Schedule IV, the following rule shall be substituted, namely:—</p> <p style="padding-left: 40px;">"10. (1) The tax on carriages and animals shall be levied at rates not exceeding the following:—</p>

Tax on carriages and animals.	Maximum half-yearly tax.
	RS.
For every tram-car	50
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals ..	10
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals ..	5
For every bicycle or tricycle.	2
For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands	6

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1919 ..	IV ..	Madras City Municipal Act, 1919— <i>cont.</i>	<p>Tax on carriages and animals.</p> <p>Maximum half-yearly tax. rs.</p> <p>For every horse or mule under 12 hands 2</p> <p>For every bull, bullock, male buffalo, ass or dog 1</p> <p>(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half-year."</p> <p>(13) Rule 11 of Schedule IV and the headings thereto shall be omitted.</p> <p>(14) In Schedule VII the item relating to section 133 shall be omitted.</p>
1920 ..	V ..	Madras District Municipalities Act, 1920.	<p>(1) In section 3, for clauses (5) and (6), the following clauses shall be substituted, namely:—</p> <p>“(5) ‘carriage’ means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.</p> <p>(6) ‘cart’ includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.”</p> <p>(2) In section 78—</p> <p>(a) clause (e) of sub-section (1) shall be omitted; and</p> <p>(b) in sub-section (3) and the provisos thereto the words ‘or toll wherever they occur shall be omitted.</p>

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1920	.. V ..	Madras District Municipalities Act, 1920— <i>cont.</i>	<p>(3) In section 80 the words 'or toll' wherever they occur shall be omitted.</p> <p>(4) In section 10J— (a) clause (e) shall be omitted and clauses (f) and (g) re-lettered as (e) and (f), respectively; and (b) in the proviso for the words, letters and brackets 'clauses (d), (e) and (f)' the words, letters and brackets 'clauses (d) and (e)' shall be substituted and the words 'one motor-cycle' shall be omitted.</p> <p>(5) In the proviso to sub-section (1) of section 107 the word 'motor-bicycle' shall be omitted.</p> <p>(6) Sections 110 to 114 and the heading there-to shall be omitted.</p> <p>(7) In section 117, the words 'or toll' shall be omitted.</p> <p>(8) In section 118, the word 'toll' in both the places where it occurs shall be omitted.</p> <p>(9) In the Explanation to section 270-B, after the word 'carriages,' insert the words and figures 'including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914.'</p> <p>(10) For section '270-D' the following section shall be substituted, namely:— "270-D. (1) If the fee leviable under sub-section (1) of section 270-B in respect of a vehicle or animal is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load, or in the event of their value being insufficient to ¹[defray the amount] due, he may seize and detain the vehicle or animal.</p> <p>(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the Chairman or to such person as he may have authorized to receive and sell such property and the Chairman shall forthwith give notice to the proprietor of the property seized,</p>

Recovery of
cart-stand
fees, etc.

¹ The words were substituted for the words "defray their amount" by section 10 (1) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932, (Madras Act V of 1932).

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1920 ..	V ..	Madras District Municipalities Act, 1920— <i>cont.</i>	<p>or, if the proprietor is not known, or is not resident within the municipality to the person who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum, that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold by auction at a place to be specified in the notice. .</p> <p>(3) If, at any time before the sale has begun the amount due on account of the fee, together with a sum of four annas on account of charges incurred in connexion with the seizure and detention. is tendered to the Chairman or other person authorized as aforesaid, the property seized shall be forthwith released.</p> <p>(4) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of—</p> <p>(i) the amount due on account of the fee;</p> <p>(ii) such penalty not exceeding the amount of the fee as the Chairman may direct; and</p> <p>(iii) a sum of eight annas on account of charges incurred in connexion with the seizure, detention and sale."</p> <p>(11) In clause (n) of sub-section (2) of section 303, the word 'tolls' shall be omitted.</p> <p>(12) In clause (2) of section 306, for the words 'duties and tolls' the words 'and duties' shall be substituted.</p> <p>(13) In sub-section (1) of section 355—</p> <p>(a) at the end of clause (a) the word 'and' shall be inserted; and</p> <p>(b) clause (c) and the word 'and' at the end of clause (b) shall be omitted.</p> <p>(14) In section 358, the word 'toll' wherever it occurs shall be omitted.</p>

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.																																		
(1)	(2)	(3)	(4)																																		
1920	.. V ..	Madras District Municipalities Act, 1920— <i>cont.</i>	<p>(15) In Schedule IV—</p> <p>(i) for rule 20, the following rule shall be substituted, namely:—</p> <p>“20. (1) The tax on carriages and animals shall be levied at rates not exceeding the following:—</p> <table> <tr> <th>Tax on carriages and animals.</th> <th>Maximum half-yearly tax. RS.</th> </tr> <tr> <td>For every tram-car ..</td> <td>50</td> </tr> <tr> <td>For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals</td> <td>10</td> </tr> <tr> <td>For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals</td> <td>5</td> </tr> <tr> <td>For every bicycle or tricycle</td> <td>2</td> </tr> <tr> <td>For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart</td> <td>3</td> </tr> <tr> <td>For every elephant ..</td> <td>12</td> </tr> <tr> <td>For every camel ..</td> <td>6</td> </tr> <tr> <td>For every horse or mule not under 12 hands.</td> <td>6</td> </tr> <tr> <td>For every horse or mule under 12 hands ..</td> <td>2</td> </tr> <tr> <td>For every bullock or bull</td> <td>1</td> </tr> <tr> <td>For every male buffalo.</td> <td>1</td> </tr> <tr> <td></td> <td>AS.</td> </tr> <tr> <td>For every ass</td> <td>8</td> </tr> <tr> <td>For every dog</td> <td>8</td> </tr> <tr> <td>For every pig</td> <td>8</td> </tr> <tr> <td>For every goat</td> <td>8</td> </tr> </table> <p>(2) If within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or</p>	Tax on carriages and animals.	Maximum half-yearly tax. RS.	For every tram-car ..	50	For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	10	For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	5	For every bicycle or tricycle	2	For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart	3	For every elephant ..	12	For every camel ..	6	For every horse or mule not under 12 hands.	6	For every horse or mule under 12 hands ..	2	For every bullock or bull	1	For every male buffalo.	1		AS.	For every ass	8	For every dog	8	For every pig	8	For every goat	8
Tax on carriages and animals.	Maximum half-yearly tax. RS.																																				
For every tram-car ..	50																																				
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SCHEDULE I—cont.

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1920 ..	V ..	Madras District Municipalities Act, 1920— <i>cont.</i>	<p>death, shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half-year;” and</p> <p>(ii) rule 21 shall be omitted.</p> <p>(16) In Schedule VII the item relating to section 113 shall be omitted.</p>
1920 ..	XIV ..	Madras Local Boards Act, 1920.	<p>(1) Clauses (4) and (5) of section 3 shall be omitted.</p> <p>(2) In section 75—</p> <p>¹ [(i) in sub-section (1), the words ‘and tolls’ occurring after the words ‘the following taxes’ shall be omitted;]</p> <p>² [(ii)] at the end of clause (i) of sub-section (1) the word ‘and’ shall be inserted;</p> <p>² [(iii)] the word ‘and’ at the end of clause (ii) and clause (iii) of the same sub-section shall be omitted;</p> <p>² [(iv)] in sub-section (3), the words ‘and tolls’ in clause (a) and the words ‘or toll’ wherever they occur in clause (b) shall be omitted.</p> <p>(3) In clauses (a) and (b) of sub-section (1) of section 77, the words ‘or toll’ wherever they occur shall be omitted.</p> <p>(4) Sections 104 to 109 and the heading thereto shall be omitted.</p> <p>(5) In section 111, the words ‘or toll’ shall be omitted.</p> <p>(6) In section 111-A, the word ‘toll’ wherever it occurs shall be omitted.</p> <p>(7) In the Explanation to section 184, after the word ‘carriages,’ the words and figures ‘including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914’ shall be inserted.</p> <p>(8) For section 186, the following section shall be substituted, namely:—</p> <p>“186. (1) If the fee leviable under sub-section (1) of section 184 in respect of a vehicle</p>

Recovery of
cart-stand
fees, etc.

¹ This clause was added by section 10 (ii) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

² Clauses (i) to (iii) were relettered as clauses (ii) to (iv), respectively, by *ibid.*

SCHEDULE I—*cont.*

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1920 ..	XIV ..	Madras Local Boards Act, 1920— <i>cont.</i>	<p>or animal is not paid on demand, the person duly authorized to collect the same may seize such vehicle or animal, or any part of its burden, and detain the same in his custody.</p> <p>(2) If such fee together with the expenses occasioned by such seizure and detention, remains unpaid for twelve hours, the person duly authorized as aforesaid shall forthwith send the vehicle, animal or other property seized as aforesaid to the nearest public officer empowered to sell distrained property under the Madras Rent and Revenue Sales Act, 1839.</p> <p>(3) Such officer shall forthwith give notice to the owner of the property seized, or if the owner is not known or is not resident in the neighbourhood, to the person who was in charge of the said property at the time when it was seized and if he is not found publish by beat of drum that after the expiration of two days exclusive of Sunday from the date of service or after the said publication of such notice, he will sell the said property by auction at a place to be specified in the notice.</p> <p>(4) If, at any time before the sale, the person to whom notice has been given or the owner of the property seized tenders to the said officer the amount due on account of the fee and of all the expenses occasioned by the non-payment thereof and by the seizure and detention of the property, the property seized shall be forthwith released.</p> <p>(5) If no tender is made to such officer, he shall sell the said property or a sufficient portion thereof by auction and apply the proceeds of the sale to the</p>

SCHEDULE I—cont.

Year.	Num- ber.	Act.	Amendment.
(1)	(2)	(3)	(4)
1920 ..	XIV ..	Madras Local Boards Act, 1920— cont.	payment of the amount due on account of the fee and the expenses incidental to the seizure, detention and sale of the property and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and application of the proceeds thereof as aforesaid.”
			(9) In clause (r) of sub-section (2) of section 199 the word ‘tolls’ shall be omitted.
			(10) In clause (2) of section 202 for the words ‘fees and tolls’ the words ‘and fees’ shall be substituted.
			(11) Rule 26 of Schedule IV and the heading thereto shall be omitted.
			(12) In rule 40 of the same schedule, the words ‘tolls or’ shall be omitted.
			(13) In rule 5 of Schedule V under the heading ‘C—District Funds,’ item (2) shall be omitted.
			(14) In Schedule VIII, the entry relating to section 109 shall be omitted.

SCHEDULE II.

Classes of vehicles.	Maximum quarterly tax.			
	For vehicles fitted with pneumatic tyres.		For other vehicles.	
	RS.	A. P.	RS.	A. P.
1 [1 Motor cycles (including motor scooters and cycles with attachment for propelling the same by mechanical power) not exceeding 8 cwt. in weight unladen—				
(a) Bicycles below 3½ horse-power if not used for drawing a trailer or side-car.	7	8 0	10	0 0
(b) Bicycles below 3½ horse-power if used for drawing a trailer or side-car and bicycles of and above 3½ horse-power whether used for drawing a trailer or side-car or not	10	0 0	12	8 0
(c) Tricycles	10	0 0	12	8 0]
2 Motor vehicles not exceeding 5 cwt. in weight unladen, adapted and used for invalids ..	7	8 0	10	0 0
3 Motor vehicles used 2 [. . .] in the course of trade and industry for the transport or haulage of goods or materials including tricycles weighing more than 8 cwt. unladen—				
(a) Vehicles not exceeding 15 cwt., in weight, unladen	75	0 0	110	0 0

1. These entries were substituted for the original entries by Notification No. 369, L. & M., dated 20th March 1933, published at pages 97 and 98 of Part I-A of the *Fort St. George Gazette*, dated 21st March 1933.

2. The word ‘solely’ was omitted by section 11 of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

SCHEDULE II—*cont.*

Classes of vehicles.	Maximum quarterly tax.				
	For vehicles fitted with pneumatic tyres.			For other vehicles.	
	RS.	A.	P.	RS.	A. P.
(b) Vehicles exceeding 15 cwt., but not exceeding 30 cwt. in weight, unladen.	125	0	0	185	0 0
(c) Vehicles exceeding 30 cwt., but not exceeding 50 cwt., in weight, unladen.	200	0	0	300	0 0
(d) Vehicles exceeding 50 cwt., but not exceeding 70 cwt., in weight, unladen.	225	0	0	335	0 0
(e) Vehicles exceeding 70 cwt., but not exceeding 100 cwt., in weight, unladen	250	0	0	375	0 0
(f) Vehicles exceeding 100 cwt., in weight, unladen	275	0	0	425	0 0
(g) Additional tax payable in respect of such vehicles used for drawing trailers—					
(i) for each trailer not exceeding one ton in weight, unladen ..	60	0	0	100	0 0
(ii) for each trailer exceeding one ton in weight, unladen ..	125	0	0	185	0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.					
Motor vehicles plying for hire and used for the transport of passengers—					
(a) Vehicles licensed under the Madras Motor Vehicles Rules, 1923, to carry in all not more than four persons	40	0	0	60	0 0
(b) Vehicles licensed under the Madras Motor Vehicles Rules, 1923, to carry more than four persons—for every person which the vehicle is so licensed to carry	10	0	0	15	0 0
5 Motor vehicles other than those liable to tax under the foregoing provisions of this schedule—					
(a) Weighing not more than 15 cwt., unladen	17	8	0	25	0 0
(b) Weighing more than 15 cwt., but not more than 30 cwt., unladen	25	0	0	37	8 0
(c) Weighing more than 30 cwt., but not more than 45 cwt., unladen	32	8	0	50	0 0
(d) Weighing more than 45 cwt., but not more than 60 cwt., unladen	40	0	0	60	0 0
(e) Weighing more than 60 cwt., unladen ..	50	0	0	75	0 0
(f) Additional tax payable in respect of such vehicles used for drawing trailers—					
(i) for each trailer not exceeding one ton in weight, unladen ..	10	0	0	15	0 0
(ii) for each trailer exceeding one ton in weight, unladen ..	20	0	0	30	0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.					

MADRAS ACT No. IV OF 1931.¹

[THE MADRAS SERVICES COMMISSION (AMENDMENT)
Act, 1931.]

[7th April, 1931.]

An Act to amend the Madras Services Commission Act, 1929, for certain purposes.

WHEREAS it is expedient to amend the Madras Services Commission Act, 1929, for the purposes hereinafter appearing; Preamble.

Madras Act XI of 1929.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Services Commission (Amendment) Act, 1931. Short title.

2. (1) Section 5 of the Madras Services Commission Act, 1929 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of section 5 and in the second paragraph of that sub-section as re-numbered, for the words “this section” in both places where they occur, the words “this sub-section” shall be substituted. Amendment of section 5, Madras Act XI of 1929.

(2) To the same section, the following sub-section shall be added, namely:—

[*Vide p. 1749.*]

3. Section 6 of the said Act shall be re-numbered as sub-section (1) of that section and to that section as so re-numbered, the following sub-section shall be added, namely:— Amendment of section 6, Madras Act XI of 1929.

[*Vide pp. 1749–1750.*]

4. In section 7 of the said Act—

- (i) after the words “other expenses connected with its work” the words “including the travelling allowances of the Chairman and other members, the Secretary and the persons employed by the Commission” shall be inserted; Amendment of section 7, Madras Act XI of 1929.
- (ii) for the words “one thousand rupees per mensem”, the words “seventy-five thousand rupees per annum” shall be substituted; and
- (iii) after the proviso, the following proviso shall be inserted, namely:—

[*Vide p. 1750.*]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 4th November 1930—Part IV, page 439.

Amendment
of section
19, Madras
Act XI of
1929.

5. In section 19 of the said Act, for the words and figures " in sections 5 and 6 ", the words and figures " in sub-section (1) of section 5 and in sub-section (1) of section 6 " shall be substituted.

MADRAS ACT No. V OF 1931.¹

[THE MADRAS GOVERNMENT ROADS TRAFFIC CONTROL ACT,
1931.]

[14th April, 1931.]

An Act to provide for the control of traffic on Government roads.

Preamble.

WHEREAS it is expedient to enable the Local Government to make provision for the control of traffic on Government roads; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title.

1. (1) This Act may be called the Madras Government Roads Traffic Control Act, 1931.

Extent.

(2) It extends to the whole of the Presidency of Madras.

Definition of
'Government road.'

2. In this Act, ' Government road ' means any public road in the charge of and maintained by the Local Government and notified by them in the *Fort St. George Gazette* as a Government road for the purposes of this Act.

Power to
make rules
for the
control of
traffic.

3. (1) The Local Government may, after previous publication, make rules to provide—

- (a) for the regulation of the use of any Government road and the closing thereof or parts thereof; and
- (b) for the regulation of traffic on any Government road or its reservation for particular kinds of traffic.

(2) Any rules made under sub-section (1) shall be laid before the Legislative Council at the next meeting of the Council after they are made.

Penalty for
breach of
rules.

4. In making any rule, the Local Government may provide that a breach thereof shall be punishable

- (a) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 4th November 1930—Part IV, page 440.

1931: Mad. Act V.] *Govt. Roads Traffic Control* 1905

1931: Mad. Act VI.] *The East and West Tanjore Sessions
Divisions (Validation)*

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the officer empowered in this behalf by the Local Government to discontinue such breach.

MADRAS ACT No. VI of 1931.¹

[THE EAST AND WEST TANJORE SESSIONS DIVISIONS
(VALIDATION) ACT, 1931.]

[14th April, 1931.]

An Act to validate the constitution of the Sessions divisions of East and West Tanjore.

WHEREAS by the notification of the Local Government in the Law (General) Department, No. 175, dated the 22nd day of June 1921, the Governor in Council was pleased to direct that, with effect from the 1st day of September 1921, the Sessions division of Tanjore should be styled as the Sessions division of West Tanjore consisting of the revenue taluks of Kumbakonam, Papanasan, Tanjore, Mannargudi, Pattukkottai and Arantangi of the collectorate or revenue district of Tanjore;

AND WHEREAS by the notification of the Local Government in the Law (General) Department, No. 177, dated the 22nd day of June 1921, the Governor in Council was pleased to add to the number of Sessions divisions in the province by establishing, with effect from the 1st day of September 1921, a new Sessions division styled as the Sessions division of East Tanjore, consisting of the revenue taluks of Shiyali, Mayavaram, Nannilam, Negapatam and Tiruturaipundi of the collectorate or revenue district of Tanjore;

AND WHEREAS doubts have been raised as to the validity of the constitution of the said two Sessions divisions in the revenue district of Tanjore;

AND WHEREAS it is expedient to remove those doubts and validate the constitution of the said Sessions divisions and the proceedings of the Courts of Session thereof;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the East and West Tanjore Short title Sessions Divisions (Validation) Act, 1931.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 13th January 1931—Part IV, page 2.

1906 *The East and West Tanjore Sessions Divisions (Validation)* [1931: Mad. Act VI.]

Panchayats (Repealing) [1931: Mad. Act VII.]

District Municipalities [1931: Mad. Act VIII.]

Commence-
ment. 2. This Act shall be deemed to have had effect on and from the 1st day of September 1921.

Validation
of the
constitution
of the
Sessions
divisions of
East and
West
Tanjore and
of the
proceedings
of the
Courts of
Session
thereof. 3. Notwithstanding anything contained in sub-section (1) of section 7 of the Code of Criminal Procedure, 1898, the ^{v of 1898.} Sessions division of East Tanjore and the Sessions division of West Tanjore in the revenue district of Tanjore and the Courts of Session established for each one of the said Sessions divisions shall be deemed to have been and to be validly constituted and no proceeding of the Courts of Session of the said Sessions divisions shall be questioned merely on the ground that the limits of neither of the said Sessions divisions were or are conterminous with the limits of a district.

MADRAS ACT No. VII OF 1931.¹

[THE MADRAS PANCHAYATS (REPEALING) ACT, 1931.]

[26th May, 1931.]

An Act to repeal the Madras Panchayats Act, 1840.

Preamble. WHEREAS it is expedient expressly and specifically to repeal the Madras Panchayats Act, 1840, which is spent and ^{Act VIII of 1840.} has ceased to be in force by reason of the repeal of the Madras Village Panchayats Regulation, 1816; It is hereby ^{Madras Regulation V of 1816.} enacted as follows:—

Short title. 1. This Act may be called the Madras Panchayats (Repealing) Act, 1931.

Repeal of
Act VIII of
1840. 2. The Madras Panchayats Act, 1840, is hereby repealed

MADRAS ACT No. VIII OF 1931.²

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1931.]

[25th August, 1931.]

An Act to amend the Madras District Municipalities (Amendment) Act, 1930, for a certain purpose.

WHEREAS it is expedient to amend the Madras District Municipalities (Amendment) Act, 1930, for the purpose ^{Madras Act X of 1930.} hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras District Municipalities (Amendment) Act, 1931.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* dated 3rd February 1931—Part IV, page 24.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 21st July 1931—Part IV, page 112.

1931: Mad. Act VIII.] District Municipalities 1907
 1931: Mad. Act IX.] Local Boards
 1931: Mad. Act X.] Motor Vehicles Taxation

2. For sub-clause (iii) of clause (a) of section 177 of the Madras District Municipalities (Amendment) Act, 1930, the following sub-clause shall be substituted, namely:—
 [Vide p. 1812.]

Amendment
 of section
 177, Madras
 Act X of
 1930.

MADRAS ACT No. IX OF 1931.¹

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1931.]

[25th August, 1931.]

An Act to amend the Madras Local Boards (Amendment) Act, 1930, for certain purposes.

Madras Act
 XI of 1930.

WHEREAS it is expedient to amend the Madras Local Boards (Amendment) Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Local Boards Short title. (Amendment) Act, 1931.

2. In rule 6 of the Schedule to the Madras Local Boards (Amendment) Act, 1930—

(i) after clause (c) of sub-rule (1), the following clause shall be inserted, namely:—

[Vide p. 1856.]

(ii) for clause (f) of sub-rule (1), the following clause shall be substituted namely:—

[Vide p. 1857.]

Amendment
 of the
 Schedule
 to Madras
 Act XI of
 1930.

MADRAS ACT No. X OF 1931.²

[THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1931.]

[13th October, 1931.]

An Act to amend the Madras Motor Vehicles Taxation Act, 1931, for a certain purpose.

Madras Act
 III of 1931.

WHEREAS it is expedient to amend the Madras Motor Vehicles Taxation Act, 1931, for the purpose hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Motor Vehicles Taxation (Amendment) Act, 1931.

¹ For Statement of Objects and Reasons see Fort St. George Gazette, dated 21st July 1931—Part IV, pages 113–114.

² For Statement of Objects and Reasons see Fort St. George Gazette, dated 28th July 1931—Part IV, page 117.

Amendment of section 2, Madras Act III of 1931. 2. (1) In clause (ii) of section 2 of the Madras Motor Vehicles Taxation Act, 1931, hereinafter referred to as the said Act after the words 'a district board' the words 'or a cantonment authority' shall be inserted.

(2) The said Act shall be read and construed as if the amendment hereby enacted had formed part of the said Act from its commencement.

MADRAS ACT No. XI of 1931.¹

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS
(AMENDMENT) ACT, 1931.]

[13th October, 1931:]

An Act further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes.

WHEREAS it is expedient further to amend the Madras Hindu Religious Endowments Act, 1926, for the purposes hereinafter appearing; Madras Act II of 1927.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Hindu Religious Endowments (Amendment) Act, 1931.

Insertion of new section 6 -A in Madras Act II of 1927. 2. In Chapter V of the Madras Hindu Religious Endowments Act, 1926 (hereinafter referred to as the said Act), after section 60, the following section shall be added, Madras Act II of 1927.
namely:—

[*Vide p. 1688.*]

Amendment of section 70, Madras Act II of 1927. 3. For sub-section (2) of section 70 of the said Act, the following sub-sections shall be substituted, namely:—

[*Vide pp. 1695–1696.*]

Amendment of Schedule II, Madras Act II of 1927. 4. In Schedule II to the said Act, the item relating to section 70 (2) shall be omitted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, Extraordinary, dated 19th March 1931, pages 3–4.

1931 : Mad. Act XII.] *The Gudalur Compensation for 1909
Tenants Improvements*

MADRAS ACT No. XII of 1931.¹

[THE GUDALUR COMPENSATION FOR TENANTS IMPROVEMENTS
ACT, 1931.]

[20th October, 1931.]

An Act to extend the Malabar Compensation for Tenants
Improvements Act, 1899, with certain modifications,
to the Gudalur taluk of the Nilgiri district.

Madras Act
I of 1900.

WHEREAS it is expedient to extend the provisions of the Preamble.
Malabar Compensation for Tenants Improvements Act, 1899,
with certain modifications, to the Gudalur taluk of the
Nilgiri district; AND WHEREAS the previous sanction of the
Governor-General has been obtained to the passing of this
Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Gudalur Compensation Short title
for Tenants Improvements Act, 1931. and extent.

(2) It extends to the whole of the Gudalur taluk of the
Nilgiri district.

Madras Act I
of 1900.

2. Sections 3 to 20 of the Malabar Compensation for Extension of
Tenants Improvements Act, 1899 (hereinafter referred to as sections 3 to
the said Act), shall apply to the Gudalur taluk of the Nilgiri 20 of Madras
district subject to the following modifications, namely:— Act I of 1900
to the
Gudalur
taluk of the
Nilgiri
district with
certain
modifica-
tions.

- (1) in section 8 of the said Act, for the word 'Malabar' the words 'the Nilgiri' shall be substituted;
- (2) in section 14 and sub-section (1) of section 15 of the said Act, for the words 'Malabar district' the words 'Gudalur taluk of the Nilgiri district' shall be substituted;
- (3) in section 17 of the said Act, for the words 'and Malayalam' the words 'Malayalam and Tamil' and for the word 'Malabar' the words 'the Nilgiri' shall be substituted;
- (4) in section 19 of the said Act, for the words and figures 'after the first day of January 1886' the words 'after the coming into force of this Act' shall be substituted; and
- (5) in section 20 of the said Act, after the words 'construed as' the words 'entitling any person to claim compensation under the provisions of this Act for any improvements made before the coming into force of this Act or as' shall be inserted.

¹ For Statement of Objects and Reasons see *Port St. George Gazette*, dated 31st March 1931—Part IV, page 94.

1910 *Suppression of Immoral Traffic* [1932: Mad. Act I.
Elementary Education [1932: Mad. Act II.

MADRAS ACT No. I OF 1932.¹

[THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC
(AMENDMENT) ACT, 1931.]

[19th January, 1932.]

An Act to amend the Madras Suppression of Immoral
Traffic Act, 1930, for certain purposes.

Preamble.

WHEREAS it is expedient to amend the Madras Suppression of Immoral Traffic Act, 1930, for the purposes herein-after appearing; Madras Act V of 1930.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Suppression of Immoral Traffic (Amendment) Act, 1931.

Substitution of new sections for sections 1 and 2 of Madras Act V of 1930.

2. For sections 1 and 2 of the Madras Suppression of Immoral Traffic Act, 1930 (hereinafter referred to as the said Act), the following sections shall be substituted, namely:—

[Vide p. 1776.]

Amendment of section 6, Madras Act V of 1930.

3. In sub-section (ii) of section 6 of the said Act, for the words and figures “before a Juvenile Court constituted under section 36 of the Madras Children Act, 1920”, the words and figures “before a court established under sub-section (i) of section 36 of the Madras Children Act, 1920, or where no such court has been established, before a court sitting in the manner specified in sub-section (2) of that section” shall be substituted. Madras Act IV of 1920.

MADRAS ACT No. II OF 1932.²

[THE MADRAS ELEMENTARY EDUCATION (AMENDMENT)
ACT, 1931.]

[12th January, 1932.]

An Act to amend the Madras Elementary Education
Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the Madras Elementary Education Act, 1920, for the purpose hereinafter appearing; Madras Act VIII of 1920.
It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Madras Elementary Education (Amendment) Act, 1931.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 28th July 1931—Part IV, page 16.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 20th October 1931—Part IV, pages 267–268.

(2) It shall come into force on such day as the Local Government may, by notification in the *Fort St. George Gazette* appoint.

2. (1) In the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act), for the words 'Governor in Council' wherever they occur, the words 'Local Government' shall be substituted.

Amendment of certain provisions of Madras Act VIII of 1920.

(2) The provisions of the said Act specified in the first two columns of the annexed Schedule are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

3. In section 3 of the said Act—

Amendment of section 3, Madras Act VIII of 1920.

(i) for clause (ii), the following clause shall be substituted, namely:—

[*Vide p. 1233.*]

(ii) in clause (iv), for the figures '1884' the figures '1920' shall be substituted;

(iii) after clause (x), the following clauses shall be inserted, namely:—

[*Vide p. 1233.*]

(iv) in clause (xi), after the words 'prescribed by' the words 'this Act or by' shall be inserted;

(v) in clause (xii), the words 'in relation to an elementary school' shall be omitted, and for the word 'Government' the words 'Local Government' shall be substituted; and

(vi) in clause (xiv), for the figures '1884' the figures '1920' shall be substituted.

4. In sub-section (3) of section 5 of the said Act, for the words 'inspector and assistant inspector of schools' the words 'District Educational Officer' shall be substituted, and for the word 'members' the words 'a member' shall be substituted.

Amendment of section 5, Madras Act VIII of 1920.

5. After section 27 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1242-1243.*]

Insertion of new section 27-A in Madras Act VIII of 1920.

6. For section 36 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 1245-1246.*]

Substitution of new section for section 36 of Madras Act VIII of 1920.

7. In section 40 of the said Act, for the figures '1884' the figures '1920' and for the word 'chapter' at the end, the word 'Act' shall be substituted.

Amendment of section 40, Madras Act VIII of 1920.

Amendment
of section 41,
Madras Act
VIII of
1920.

8. In sub-section (1) of section 41 of the said Act, after the words 'such school' the words 'or a department of such school' shall be inserted, and for the words 'through the inspector of schools' the words 'through the District Educational Officer or the Inspectress of Girls' schools, as the case may be' shall be substituted.

Amendment
of section 42,
Madras Act
VIII of
1920.

9. In sub-section (1) of section 42 of the said Act, for the words 'through the Inspector of Schools' the words 'through the District Educational Officer or the Inspectress of Girls' Schools as the case may be' shall be substituted.

Substitution
of new
section 47,
Madras Act
VIII of
1920.

10. For section 47 of the said Act, the following sections shall be substituted, namely:—

[*Vide p. 1252.*]

Amendment
of section 49,
Madras Act
VIII of
1920.

11. In section 49 of the said Act, after the words 'every child of school-age resident in such area' the words 'and affected by such notification' shall be inserted.

Amendment
of section 51,
Madras Act
VIII of
1920.

12. In section 51 of the said Act, after the words 'local authority concerned', the words and figures 'or where under the Madras Local Boards Act, 1920, the taluk board has ceased to be responsible for elementary education in any area, the panchayat concerned' shall be inserted.

Amendment
of section 56,
Madras Act
VIII of
1920.

13. In sub-section (2) of section 56 of the said Act—

(i) clause (a) shall be re-lettered as clause (aa) and the following shall be inserted as clause (a), namely:—

[*Vide p. 1255.*]

(ii) in clause (b), after the word 'schools' the words 'or departments of schools' shall be inserted, and after the word 'elementary' at the end, the word 'schools' shall be added;

(iii) for clause (c), the following clause shall be substituted, namely:—

[*Vide p. 1255.*]

(iv) in clause (f), after the words 'by local authorities' the words 'by panchayats' shall be inserted, and after the words 'attendance committees' at the end, the words 'and the time within which any statement, report, return, budget or other information shall be furnished' shall be added;

(v) clause (i) shall be omitted; and

(vi) in clause (j), the word 'school' shall be omitted.

1932: Mad. Act II.]	Elementary Education	1913
1932: Mad. Act III.]	Prevention of Adulteration	
1932: Mad. Act IV.]	Local Boards	

THE SCHEDULE.

Section.	Sub-section.	For the words	Substitute the words
(1)	(2)	(3)	(4)
21	..	his opinion	their opinion.
22	(2)	he may fix	they may fix.
23	..	he may direct	they may direct.
30	(2)	he think. fit	they think fit.
38	(2)	he thinks fit	they think fit.
45	(2) proviso	is satisfied	are satisfied.
	(b).		
56	(2)	he may make	they may make.

MADRAS ACT No. III OF 1932.¹

[THE MADRAS PREVENTION OF ADULTERATION
(AMENDMENT) ACT.]

[26th January, 1932.]

An Act to amend the Madras Prevention of Adulteration Act, 1918, for a certain purpose.

WHEREAS it is expedient to amend the Madras Prevention of Adulteration Act, 1918, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Prevention of Adulteration (Amendment) Act. Short title.

2. For section 20 of the Madras Prevention of Adulteration Act, 1918, the following section shall be substituted, namely:— Amendment of section 20, Madras Act III of 1918.

[Vide pp. 789-790.]

MADRAS ACT No. IV OF 1932.²

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1932.]

[19th April, 1932.]

An Act to amend the Madras Local Boards Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Local Boards (Amendment) Act, 1932. Short title.

¹ For Statement of Objects and Reasons see Fort St. George Gazette, dated 20th October 1931—Part IV, page 262.

² For Statement of Objects and Reasons see Fort St. George Gazette, dated 1st March 1932—Part IV, pages 23-24.

Amendment
of section 3,
Madras Act
XIV of
1920.

2. In section 3 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act)—

- (i) for clause (7), the following clause shall be substituted, namely:—

[*Vide p. 1271*]

Madras Act
XIV of 1920.

- (ii) (a) clauses (19-A) and (19-B) shall be re-lettered (19-B) and (19-C) respectively and the following shall be inserted as clause (19-A), namely:—

[*Vide p. 1274.*]

- (b) in clauses (19-B) and (19-C) as so re-lettered, for the words, letters and figure 'referred to in sub-clauses (a) to (c) of clause (7)', the words and figure 'which are not included in any district as defined in clause (7)' shall be substituted.

Amendment
of the
heading of
Chapter II
and
insertion of
new section
3-A in
Madras Act
XIV of
1920.

3. In Chapter II of the said Act—

- (i) for the heading 'Taluks and Villages', the heading 'Districts, Taluks and Villages' shall be substituted; and
(ii) before section 4, the following section shall be inserted, namely:—

[*Vide p. 1276.*]

Amendment
of section 6,
Madras Act
XIV of
1920.

4. In sub-section (3) of section 6 of the said Act, for the words and figures 'by the name of the district or revenue taluk or the name of the taluk or village which is specified in the notification under section 4 or 5', the words, figures and letter 'by the name of the revenue district or revenue taluk or the name of the district, taluk or village, specified in the notification under section 3-A, 4 or 5' shall be substituted.

Amendment
of section
240, Madras
Act XIV of
1920.

5. In section 240 of the said Act—

- (i) in sub-section (2), the words 'revenue district or' shall be omitted and for the words and figures 'section 4 or 5' the words, figures and letter 'section 3-A, 4 or 5' shall be substituted; and
(ii) in clause (b) of sub-section (8), for the words and figures 'declaring any local area to be a taluk or village under section 4 or 5', the words, figures and letter 'declaring any local area to be a district, taluk or village under section 3-A, 4 or 5' and for the words 'taluk board or panchayat', the words 'district board, taluk board or panchayat' shall be substituted.

MADRAS ACT No. V OF 1932.¹

[THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT)
Act, 1932.]

[31st May, 1932.]

An Act further to amend the Madras Motor Vehicles
Taxation Act, 1931, for certain purposes.

Madras Act
II of 1931

WHEREAS it is expedient further to amend the Madras
Motor Vehicles Taxation Act, 1931, for the purposes herein-
after appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Motor Vehicles Short title.
Taxation (Amendment) Act, 1932.

2. In section 2 of the Madras Motor Vehicles Taxation Amendment
Act, 1931 (hereinafter referred to as the said Act)— Amendment
of section 2,
Madras Act
III of 1931.

(i) after clause (iv), the following clause shall be
inserted, namely:—

[*Vide p. 1888.*]

and

(ii) in clause (viii), for the words ‘parts, equipment,
stores, fuel, oil and water’ the words ‘parts and
equipment’ shall be substituted.

3. In section 4 of the said Act—

(i) in sub-section (1), for the words ‘kept or used in
the Presidency of Madras’ the words ‘using any
public road in the Presidency of Madras’ shall be Amendment
of section 4,
Madras Act
III of 1931.
substituted; and

(ii) the second proviso to sub-section (2) shall be omitted.

4. In section 5 of the said Act—

(i) for sub-section (1), the following sub-section shall Amendment
of section 5,
Madras Act
III of 1931.
be substituted, namely:—

[*Vide p. 1889.*]

(ii) in sub-section (2), for the words ‘in respect of
which the full tax for the same quarter’, the words
‘the tax due in respect of which for the same
quarter’ shall be substituted; and

(iii) for clause (a) of sub-section (3), the following
clause shall be substituted, namely:—

[*Vide pp. 1889–1890.*]

5. For section 6 of the said Act, the following section Amendment
of section 6,
Madras Act
III of 1931.
shall be substituted, namely:—

[*Vide p. 1890.*]

¹ For Statement of Objects and Reasons see *Port St. George Gazette*, dated
15th March 1932—Part IV, pages 28–29.

Repeal of
section 8,
Madras Act
III of 1931.

6. Section 8 of the said Act shall be omitted.

Amendment
of section 9,
Madras
Act III of
1931.

7. At the end of section 9 of the said Act, the following sentence shall be added, namely:—

[*Vide pp.* 1890–1891.]

Amendment
of section
11-A,
Madras
Act III of
1931.

8. In the Explanation to section 11-A of the said Act, the words ‘along a road’ shall be omitted.

Repeal of
section 12,
Madras Act
III of 1931.

9. Section 12 of the said Act shall be omitted.

Amendment
of Schedule
I, Madras
Act III of
1931.

10. In Schedule I to the said Act—

(i) in item (10) of the items relating to the Madras District Municipalities Act, 1920, in sub-section (1) of section 270-D, for the words ‘defray their amount’, the words ‘defray the amount’ shall be substituted; and

(ii) clauses (i) to (iii) of item (2) of the items relating to the Madras Local Boards Act, 1920, shall be re-numbered (ii) to (iv), respectively and the following shall be inserted as clause (i), namely:—

[*Vide p.* 1899.]

Amendment
of Schedule
II, Madras
Act III of
1931.

11. In item 3 of Schedule II to the said Act, the word ‘solely’ occurring before the words ‘in the course of trade and industry’ shall be omitted.

THE MADRAS CO-OPERATIVE SOCIETIES ACT, 1932.

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MADRAS ACT No. VI OF 1932.¹

[THE MADRAS CO-OPERATIVE SOCIETIES ACT, 1932.]

[5th July, 1932.]

An Act to consolidate and amend the law relating to co-operative societies in the Presidency of Madras.

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 17th March 1931—Part IV, pages 71–72.

other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Madras.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Madras Co-operative Societies Act, 1932. Short title and extent.

(2) It extends to the whole of the Presidency of Madras.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (a) “by-laws” means the registered by-laws for the time being in force and includes a registered amendment of the by-laws; “By-laws.”
- (b) “committee” means the governing body of a registered society to whom the management of its affairs is entrusted; “Committee.”
- (c) “financing bank” means a registered society the main object of which is to lend money to other registered societies; “Financing bank.”
- (d) “member” includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the by-laws and any rules; “Member.”
- (e) “officer” includes a president, vice-president, chairman, vice-chairman, secretary, assistant secretary, treasurer, member of committee, and any other person empowered under the rules or the by-laws to give directions in regard to the business of the society; “Officer.”
- (f) “registered society” means a society registered or deemed to be registered under this Act; “Registered society.”
- (g) “Registrar” means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act; and “Registrar.”
- (h) “rules” means rules made under this Act. “Rules.”

REGISTRATION.

3. The Local Government may appoint a person to be The Registrar of Co-operative Societies for the Presidency of Madras or any portion of it and may appoint persons to assist such Registrar, and may, by general or special order, confer on any such persons all or any of the powers of a Registrar under this Act. Registrar.

Societies
which may
be regis-
tered.

4. Subject to the provisions of this Act a society which has as its object the promotion of the economic interest of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability:

Provided that unless the Local Government by general or special order otherwise directs—

- (i) the liability of a society of which a member is a registered society shall be limited; and
- (ii) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists, and of which no member is a registered society, shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all its obligations.

Change of
liability.

5. (1) Subject to the proviso to section 4 and to any rules made in this behalf, a registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited:

Provided that—

- (i) the society shall give notice in writing of its intention to change its liability to all its members and creditors;
- (ii) any member or creditor shall, notwithstanding any by-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be, within three months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied; and
- (iii) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1) the change shall take effect at once if all the members and creditors assent thereto.

Restrictions
on interest
of member
of society
with limited
liability and
a share capi-
tal.

6. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

- (a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules; or
- (b) have or claim any interest in the shares of the society, exceeding one thousand rupees.

7. (1) No society, other than a society of which a member is a registered society, shall be registered under this Act of registration. which does not consist of at least ten persons who have attained the age of majority and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

- (a) reside in the same town or village or in the same group of villages; or
- (b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word 'limited' shall be the last word in the name of every society with limited liability registered under this Act.

8. When any question arises whether for the purposes of this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final. Power of Registrar to decide certain questions.

9. (1) For purposes of registration an application to register shall be made to the Registrar. Application for registration.

(2) The application shall be signed—

- (a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of subsection (1) of section 7; and
- (b) in the case of a society of which a member is a registered society, by a duly authorized person on behalf of every such registered society, and, where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws. In case of refusal, an appeal shall lie to the Local Government within two months from the date of the issue of the order of refusal by registered post. Registration.

Evidence of
registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Amendment
of the by-
laws of
registered
society.

12. (1) No amendment of the by-laws of a registered society shall be valid until the same has been registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment. In case of refusal, an appeal shall lie to the Local Government within two months from the date of the issue of the order of refusal by registered post.

(3) When the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

Division and
amalgama-
tion of
societies.

13. (a) (1) Any registered society may, at a meeting of its general body specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this sub-section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and may prescribe the area of operations of, and specify the members who will constitute, each of the new societies.

(2) (i) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(ii) Any member of the society may, notwithstanding any by-law to the contrary, by notice given to the society within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(iii) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a meeting of the general body of the society, of which at least fifteen clear days' notice shall be given to its members, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either

without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (5) and section 10, register the new societies and the by-laws thereof. On such registration the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(4) At the meeting referred to in clause (3) provision shall be made by another resolution for

- (i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (2); and
- (ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (4) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new societies.

(6) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (3).

(b) (1) Two or more registered societies may, at meetings of their respective general bodies specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this sub-section referred to as the preliminary resolution.

(2) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any by-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies, a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (5) and section 10, register the new society and the by-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(4) At the joint meeting referred to in clause (3), provision shall be made by another resolution for—

- (i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (2); and
- (ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (4) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new society.

(6) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Member not
to exercise
rights till
due payment
made.

14. (1) No member of a registered society shall, save as otherwise provided in sub-section (2), exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and by-laws.

(2) In the case of a society registered after the commencement of this Act, the persons who have signed the application to register the society may elect a committee to conduct the affairs of the society for a period of three months.

from the date of registration or for such further period as the Registrar may consider desirable:

Provided that the committee shall cease to function as soon as the members of the society have elected a committee in accordance with its by-laws.

15. (1) The committee may at any time call a general meeting of the society and shall call such a meeting within one month after receipt of a requisition in writing from the Registrar or from a financing bank to which the society is indebted or from such number of members or proportion of the total number of members as may be specified in the by-laws of the society. General meetings.

(2) If a general meeting is not called in accordance with such requisition, the Registrar shall have power to call a general meeting of the society himself.

16. (1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the Chairman shall have a casting vote. Votes of members.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment under any rules prescribed in that behalf to vote in the affairs of such other registered society.

17. (1) The transfer of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules. Restrictions on transfer of share or interest.

(2) In the case of a society registered with unlimited liability a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof unless—

- (a) he has held such share or interest for not less than one year; and
- (b) the transfer is made to the society or to a member of the society.

DUTIES OF REGISTERED SOCIETIES.

18. Every registered society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof. Address of societies.

19. Every registered society shall keep a copy of this Act and of the rules governing such society and of its by-laws open to inspection free of charge at all reasonable times at the registered address of the society. Copy of Act, rules and by-laws to be open to inspection.

PRIVILEGES OF REGISTERED SOCIETIES.

Societies to
be bodies
corporate.

20. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

Prior claim
of society.

21. (1) Subject to the prior claim, if any, of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past or deceased member—

(a) in respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan;

(b) in respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased.

(2) The priority created by sub-section (1) in favour of a registered society shall be available against any claim of the Government arising from a loan granted under the Land Improvements Loans Act, 1883, after the grant of the loan ~~XIX~~ of 1883. by the society.

Charge and
set-off in
respect of
shares or
interest of
member.

22. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member or the estate of such deceased member to the society, and may set off any sum credited or payable to a member or past or deceased member or the estate of a deceased member in or towards payment of any such debt.

Shares or
interest not
liable to
attachment.

23. Subject to the provisions of section 22, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability

incurred by such member, and neither the Official Assignee under the Presidency Towns Insolvency Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest.

24. (1) Subject to the provisions of section 22, a registered society may on the death of a member transfer his share or interest in the capital to the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws:

Transfer of interest on death of member.

Provided that—

- (i) in the case of a society with unlimited liability, such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid; and
- (ii) in the case of a society with limited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir, legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the society, or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified.

(2) Subject as aforesaid, a registered society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

25. The liability of a past member or of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease, as the case may be, shall continue for a period of two years from such date.

Liability of past member or of the estate of a deceased member.

26. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein:—

Register of members.

- (a) the date on which the name of any person was entered in such register or list as a member; and

(b) the date on which any such person ceased to be a member.

Proof of entries in societies books.

27. (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any suit or legal proceedings as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

(2) No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall, in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the society's books the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court or the arbitrator made for special cause.

28. [Omitted by Madras Act V of 1935.]

Exemption from compulsory registration of instruments relating to shares and debentures of registered society.

29. Nothing in clauses (b) and (c) of sub-section (1) of section 17 of the Indian Registration Act, 1908, shall apply ^{XVI} of 1908. to—

(1) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Right to set-off where a registered society purchases immovable property at a sale under Madras Act II of 1864 for any sum due to it.

¹ [29-A. Where, under this Act or any rule made thereunder, any sum due to a registered society from any person is recoverable as an arrear of land revenue and the immovable property of such person is brought to sale under the provisions of the Madras Revenue Recovery Act, 1864, and the society is the purchaser at such sale, the provisions of ^{Madras Act} section 36 of the said Act shall apply thereto as if for the ^{II of 1864.}

¹ Section 29-A was inserted by section 2 of the Madras Co-operative Societies (Amendment) Act, 1933 (Madras Act VIII of 1933).

third and fourth clause thereof the following clauses were substituted, namely:—

“Third—The sum due to the purchaser shall be set off, in whole or in part, against the purchase money and the remainder, if any, of the purchase money shall be paid to the Collector or other officer empowered by the Collector in that behalf within thirty days of the date of sale.

“Fourth—Where the purchaser refuses or omits to complete the payment of the remainder, if any, of the purchase money, the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the property, on the second sale, sells for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.”]

30. (1) The Governor-General in Council by notification in the *Gazette of India* may, in the case of any registered society or class of registered societies, remit the income-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits. Power to exempt from income-tax, stamp duty and registration fees.

(2) The Local Government, by notification in the *Fort St. George Gazette*, may in the case of any registered society or class of registered societies remit—

(a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society or any class of such instruments or decisions, awards or orders of the Registrar or arbitrators under this Act are respectively chargeable; and

(b) any fee payable under the law of registration for the time being in force.

31. Notwithstanding anything contained in any other Government enactment, the Local Government may, subject to such rules as may be prescribed in this behalf, grant loans to, take shares in, or give financial assistance in any other form to any registered society. aid to registered societies.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

32. (1) A registered society shall not make a loan to any person other than a member: Restrictions on loans.

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other than agricultural produce.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.

(4) The Local Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

Restrictions
on borrow-
ings.

33. A registered society shall receive deposits and loans only to such extent and under such conditions as may be prescribed by the rules or the by-laws of the society.

Investment
of funds.

34. (1) Subject to the provisions of sub-section (4) of section 32, a registered society may invest or deposit its funds—

- (a) in the Government Savings Bank, or
- (b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or
- (c) in the shares or securities of any other registered society provided that no such investment shall be made in the shares of any society with unlimited liability, or
- (d) with any bank or person carrying on the business of banking, approved for this purpose by the Registrar, or
- (e) in any other mode permitted by the rules.

II of 1882.

(2) Any investments or deposits made before the commencement of this Act which would have been valid if this Act had been in force are hereby ratified and confirmed.

Funds not
to be divi-
ded among
members.

35. No part of the funds of a registered society shall be divided by way of bonus or dividend or otherwise among its members:

Provided that payment may be made to a member for work done by him as Secretary or as clerk on such scale as may be prescribed by the by-laws:

Provided also that after at least one-fourth of the net profits in any year have been carried to a reserve fund, payments from the remainder or such profits and from any profits of past years available for distribution may be made—

- (i) as a bonus to a member for any specific service rendered by him to the society including work done as Secretary or as clerk, and

- (ii) among the members to such extent and under such conditions as may be prescribed by the rules or by-laws.

36. Any registered society may, after one-fourth of the net profits in any year has been carried to a reserve fund, contribute an amount not exceeding 10 per cent of the remaining net profits to any charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890. Contribution to charitable purpose.

37. (1) The Registrar shall audit or cause to be audited by some person authorized by him by general or special order in writing in this behalf the accounts of every registered society once at least in every year. Audit.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of the cash balance and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or the person authorized by him under sub-section (1) shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(4) Every officer or member of the society shall furnish such information in regard to the transactions and working of the society as the Registrar or the person authorized by him under sub-section (1) may require.

INQUIRY AND INSPECTION.

38. (1) The Registrar may of his own motion, and shall on the request of the Collector, or on the application of a majority of the committee or of not less than one-third of the members, hold an inquiry, or direct some person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society. Inquiry by Registrar.

(2) The Registrar or the person authorized by him under sub-section (1) shall have the following powers, namely:—

- (a) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or

other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(b) He may summon any person who he has reason to believe has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

(c) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the by-laws of the society and its proceedings shall be regulated by such by-laws.

(3) When an inquiry is made under this section, the Registrar shall communicate the result of the inquiry to the financing bank, if any, to which the society is indebted.

Inspection
of books by
Registrar.

39. (1) The Registrar may, on the application of a creditor of a registered society, inspect or direct some person authorized by him in this behalf by a general or special order in writing to inspect the books of the society and the Registrar or the person so authorized shall have all the powers of the Registrar when holding an inquiry under section 38.

(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

(a) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) Where an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor and to the financing bank, if any, to which the society is indebted.

Inspection
of books by
financing
bank.

40. A financing bank shall have the right to inspect the books of any registered society which is indebted to it. The inspection may be made either by an officer of the financing bank or by a member of its paid staff certified by the

Registrar as competent to undertake such inspection. The officer or member so inspecting shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank.

41. Where an inquiry is held under section 38 or an inspection is made under section 39, the Registrar may after giving the parties an opportunity to be heard, apportion the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection, the officers or former officers of the society. Costs may also be awarded by the Registrar to the financing bank in the case of inspection under section 40, by the financing bank. Costs of inquiry and inspection.

42. Any sum awarded by way of costs under section 41 may be recovered as if it were an arrear of land revenue. Recovery of costs.

SUPERSESSION OF COMMITTEE OF SOCIETY.

43. (1) If, in the opinion of the Registrar, the committee of any registered society is not functioning properly, he may, after giving an opportunity to the committee to state its objections, if any, by order in writing, dissolve the committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding two years. The period specified in such order may, at the discretion of the Registrar, be extended from time to time provided that such order shall not remain in force for more than four years in the aggregate. Supersession of Committee.

¹ [(2) The person or persons so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have power to exercise all or any of the functions of the committee or of any officer of the society, and to take all such action as may be required in the interests of the society.]

(3) The Registrar may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and the other costs, if any, incurred in the management of the society, shall be payable from its funds.

(4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, arrange for the constitution of a new committee in accordance with the by-laws of the society.

¹ This sub-section was substituted for the original sub-section by section 2 of the Madras Co-operative Societies (Amendment) Act, 1934 (Madras Act VI of 1934).

(5) Before taking any action under sub-section (1) in respect of any society, the Registrar shall—

- (i) if the society is indebted to a financing bank, consult such bank regarding such action and the provision to be made for the management of the affairs of the society; and
- (ii) if the society is a financing bank, obtain the previous concurrence of the Madras Provincial Co-operative Bank to the taking of such action.

(6) Nothing in this section shall be deemed to affect the power of the Registrar to cancel the registration of the society under section 44.

DISSOLUTION OF SOCIETY.

Dissolution. 44. (1) If the Registrar, after an inquiry has been held under section 38 or after an inspection has been made under section 39 or section 40 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may by order in writing cancel the registration of the society. A copy of the order shall forthwith be communicated to the society by registered post.

(2) Any member of the society may, within two months from the date of the order made under sub-section (1), appeal to the Local Government from such order.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by the Local Government and such confirmation is communicated to the society by registered post.

Cancellation of registration of society. 45. Where it is a condition of the registration of a society that it should consist of at least ten members who have attained the age of majority the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than ten such members.

Effect of cancellation of registration. 46. Where the registration of a society is cancelled, the society shall cease to exist as a corporate body—

- (a) in the case of cancellation in accordance with the provisions of section 44, from the date the order of cancellation takes effect;
- (b) in the case of cancellation in accordance with the provisions of section 45, from the date of the order.

47. (1) Where the registration of a society is cancelled Winding up.
under section 44 or section 45, the Registrar may appoint any person to be liquidator of the society.

(2) Subject to any rules that may be made under this Act, the whole of the assets of the society shall, on the appointment of a liquidator under sub-section (1), vest in such liquidator and he shall have power to realize such assets by sale or otherwise.

(3) Such liquidator shall also have power, subject to the control of the Registrar—

- (a) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;
- (b) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society, such contribution including debts due from such members or persons;
- (c) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising between claimants;
- (d) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably, as the assets of the society permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case;
- (e) to determine by what persons and in what proportions the costs of the liquidation are to be borne;
- (f) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society; and
- (g) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Subject to any rules that may be made under this Act, a liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties

belonging to or in the custody of the society by the same means and (so far as may be) in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1908.

V of 1908.

(5) Any sum ordered under this section to be recovered as a contribution to the assets of the society or as costs of liquidation may be recovered, on a requisition being made in this behalf to the Collector by the Registrar, in the same manner as arrears of land revenue.

(6) Save as provided in sub-section (5), orders made under this section shall, on application, be enforced by any civil court having local jurisdiction in the same manner as a decree of such court.

(7) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.

(8) Any person aggrieved by any order of the liquidator may appeal to the Registrar against such order within two months from the date of the issue of the order by registered post.

Bar of suit
in certain
cases.

48. Save in so far as is expressly provided in this Act, no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act, and when a liquidator has been appointed no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

SURCHARGE AND ATTACHMENT.

Surcharge.

49. (1) Where in the course of an audit under section 37 or an inquiry under section 38 or an inspection under section 39 or the winding up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters

of the society are situated or if the headquarters of the society are situated in the City of Madras, by the City Civil Court, on application made by the party aggrieved within three months of the date of receipt of the order by him.

(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Collector by the Registrar in the same manner as arrears of land revenue.

(4) This section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

50. Where the Registrar is satisfied on the application of the liquidator or otherwise that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (b) of sub-section (3) of section 47 or section 49—

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court.

ARBITRATION.

51. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises

(a) among members, past members and persons claiming through members, past members and deceased members, or

(b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or servant of the society, or

(c) between the society or its committee and any officer, agent or servant of the society, or

(d) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation.—A claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference,—

(a) decide the dispute himself, or

(b) transfer it for disposal to any person who has been invested by the Local Government with powers in that behalf, or

(c) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators.

(3) Subject to such rules as may be prescribed the Registrar may withdraw any reference transferred under clause (b) of sub-section (2) or referred under clause (c) of that sub-section and deal with it in the manner provided in the said sub-section.

(4) Where the Registrar is satisfied that a party to any reference made to him under sub-section (1), with intent to defeat or delay the execution of any decision that may be passed thereon—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar,
the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary; and such attachment shall have the same effect as if it had been made by a competent civil court.

(5) The Registrar may, of his own motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or arbitrators to whom it was referred.

(6) (a) Any decision passed by the Registrar under clause (a) of sub-section (2) or under sub-section 5 shall be final and shall not be called in question in any civil or revenue court.

(b) Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred shall, save as otherwise provided in sub-section (5), be final and shall not be called in question in any civil or revenue court.

OFFENCES AND PENALTIES.

52. It shall be an offence under this Act if—

Offences.

- (a) a registered society or an officer or member thereof, wilfully makes a false return or furnishes false information; or
- (b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized in this behalf under the provisions of this Act.

53. Any member or past member or the nominee, heir or legal representative of a deceased member contravening the provisions of section 21 by fraudulently disposing of any property in respect of which the society is entitled to claim priority under that section or doing any other act to the prejudice of such claim, shall be punishable with fine not exceeding two hundred rupees.

Punishment for disposing of property in contravention of section 21.

54. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word 'co-operative' is part without the sanction of the Local Government:

Prohibition of the use of the word 'co-operative.'

Provided that nothing in the section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Act, 1912, came into operation.

(2) Whoever contravenes the provisions of subsection (1) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

55. Any registered society or any officer or member thereof or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Punishment for offences not otherwise provided for.

56. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Cognizance of offences.

(2) Every offence under this Act shall, for the purposes of the Code of Criminal Procedure, 1898, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Act without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned as opportunity to be heard.

MISCELLANEOUS.

Power of Government and Registrar to call for proceedings and to pass orders thereon.

57. The Local Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to the Local Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, the Local Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit.

Power of Registrar to recover certain sums by attachment and sale of property.

¹ [57-A. The Registrar or any person subordinate to him empowered by the Registrar in this behalf may, subject to such rules as may be prescribed by the Local Government and without prejudice to any other mode of recovery provided by or under this Act, recover—

- (a) any amount due under a decree or order of a Civil Court, a decision or an award of the Registrar or arbitrator, or an order of the Registrar, obtained by a registered society including a financing bank or liquidator; or
- (b) any sum awarded by way of costs under section 41 to a registered society including a financing bank or to the Government; or
- (c) any sum ordered under section 47 to be recovered as a contribution to the assets of a society or as costs of liquidation; or
- (d) any sum ordered under section 49 to be repaid to a society or recovered as a contribution to its assets, together with the interest, if any, due on such amount or sum and the costs of process, by the attachment and sale of the property of the person against whom such decree, decision, award or order has been obtained or passed.]

Recovery of sums due to Government.

58. (1) All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to the Government including any costs awarded to the Government in any proceeding under this Act may be recovered in the same manner as arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society the liability of the members of which is

¹ Section 57-A was inserted by section 3 of the Madras Co-operative Societies (Second Amendment) Act, 1934 (Madras Act V of 1935).

limited, from the members, past members or the estates of deceased members, subject to the limit of their liability; and, thirdly, in the case of other societies from the members, past members or the estate of deceased members:

Provided that the liability of past members and of the estates of deceased members shall in all cases be subject to the provisions of section 25.

59. Notwithstanding anything contained in this Act, the Local Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Power to exempt societies from conditions as to registration.

60. The Local Government may, by general or special order, exempt any registered society from any of the provisions of this Act or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Power to exempt registered societies from provisions of the Act.

61. The provisions of the Indian Companies Act, 1913, shall not apply to registered societies.

Indian Companies Act, 1913, not to apply.

62. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

Saving of existing societies.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

63. No act of a registered society or any committee or of any officer of the society, shall be deemed to be invalid by reason only of some defect in the organization of the society or in the formation of the general body or in the appointment or election of the Officer or on the ground that he was disqualified for his office.

Acts of societies, etc., not to be invalidated by certain defects.

64. All references to the Co-operative Societies Act, 1912, occurring in any enactment made by any authority in British India and for the time being in force in the Presidency of Madras shall, in its application to the said Presidency, be construed as references to this Act.

Construction of references to Co-operative Societies Act, 1912, in enactment.

65. (1) The Local Government may, for the whole or any part of the Presidency of Madras, and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) subject to the provisions of section 6 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;
- (b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;
- (c) subject to the provisions of section 5 prescribe the procedure to be followed when societies change their form of liability;
- (d) prescribe the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the conditions to be satisfied prior to such making, alteration or abrogation;
- (e) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership;
- (f) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;
- (g) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;
- (h) prescribe in the case of a financing bank—
 - (i) the proportion of individual members to society members in the constitution of its general body or of its committee; and
 - (ii) the maximum number of members of its committee.
- (i) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the committee and other officers;
- (j) prohibit a society from appointing a defaulting member of any society to its committee or to the

committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote;

- (k) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;
- (l) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such return for the levy of the expenses of preparing it;
- (m) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies;
- (n) provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares;
- (o) provide for—
 - (i) the appointment of an arbitrator or arbitrators to decide disputes;
 - (ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests;
 - (iii) the levy of the expenses incidental to such proceedings; and
 - (iv) the enforcement of the decisions or awards in such proceedings;
- (p) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members;
- (q) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members;
- (r) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

- (s) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent, to an individual member;
- (t) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;
- (u) prescribe the extent to which a society may limit the number of its members;
- (v) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;
- (w) prescribe the procedure to be followed by a liquidator appointed under section 47, and provide for the disposal of the surplus assets, if any, of the society;
- (x) subject to the provisions of this Act, determine the cases in which an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of all appeals under this Act;
- (y) prescribe the period for which and the terms under which aid may be given by the Local Government to societies and the terms under which the Local Government may guarantee the payment of interest on debentures issued by societies;
- (z) provide for the custody of property attached under this Act;
- (aa) provide for the issue and service of processes and for proof of service thereof;
- (bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;
- (cc) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;
- (dd) provide for the recovery of costs awarded against the Government in cases under section 49;
- (ce) prescribe the procedure for the attachment and sale of property under ¹ [section 57-A]; and

¹ The word, figures and letter within square brackets were substituted for the word and figures "Section 23" by section 4 of the Madras Co-operative Societies (Second Amendment) Act, 1934 (Madras Act V of 1935).

(ff) provide for all matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the *Fort St. George Gazette* and on such publication shall have effect as if enacted in this Act.

(5) All such rules shall be laid on the table of the Legislative Council.

REPEALS.

66. The enactments specified in the schedule are hereby repealed in so far as they apply to the Presidency of Madras to the extent specified in the fourth column of the said schedule.

Repeals.

SCHEDULE.

Enactments repealed.

Year.	Number.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
		<i>Acts of the Governor-General in Council.</i>	
1912	.. II	The Co-operative Societies Act, 1912.	The whole.
1920	.. XXXVIII	The Devolution Act, 1920.	So much as relates to Act II of 1912.
		<i>Act of the Governor of Madras in Council.</i>	
1920	.. X	The Co-operative Societies (Amendment) Act, 1920.	The whole.

MADRAS ACT No. VII OF 1932.¹

[THE MADRAS COTTON CONTROL ACT, 1932.]

[5th July, 1932.]

An Act to provide for the prohibition of the cultivation of pulichai cotton and the mixing of such cotton with other cotton and for the prohibition or restriction of the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton.

WHEREAS it is expedient in the best interests of the growers of cotton in certain areas in the Presidency of Madras, the

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 1st March 1932—Part IV, pages 20-21.

cotton trade and the economic prosperity of the said Presidency, to maintain the quality and reputation of the cotton grown in those areas and for that purpose to prohibit the cultivation of pulichai cotton and the mixing of such cotton with other cotton and to prohibit or restrict the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Madras Cotton Control Act, 1932.

(2) It extends to the whole of the Presidency of Madras.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) 'cotton' means cotton plant, ginned and unginned cotton, cotton waste and cotton seed;

(b) 'notified area' means an area specified in a notification under section 3; and

(c) 'pulichai cotton' means the kind of cotton known as *G. neglectum* var. *roseum*.

Power of
Local
Government
to issue
notification
prohibiting
the culti-
vation, etc.,
of pulichai
cotton.

3. The Local Government may, by notification in the *Fort. St. George Gazette*, in such local area and for such period as may be specified in the notification—

(a) prohibit the cultivation of pulichai cotton; or

(b) prohibit the mixing of pulichai cotton with any other kind of cotton; or

(c) prohibit or restrict the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton.

Penalties.

4. Whoever, in contravention of any notification under section 3—

(a) cultivates pulichai cotton, or

(b) mixes pulichai cotton with any other kind of cotton, or

(c) possesses, uses or trades in pulichai cotton or any cotton mixed with pulichai cotton

shall be punishable with fine which may extend to twenty rupees and upon any subsequent conviction with fine which may extend to fifty rupees.

5. (1) Any officer authorized in this behalf by the Local Government may between the hours of 6 a.m. and 6 p.m.— Power of entry and seizure

(a) enter upon any land in a notified area in which he knows or suspects that pulichai cotton is being cultivated in contravention of a notification under section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; and

(b) enter upon or into any land, building, vessel or place in a notified area in which he knows or suspects that pulichai cotton or any cotton mixed with pulichai cotton is kept in contravention of a notification under section 3, and seize such cotton.

(2) Every officer seizing any cotton under this section shall forthwith—

(a) make a report of such seizure to the Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier of the land, building, vessel or place on or in which such seizure was made, and

(b) subject to such rules as the Local Government may prescribe, forward such cotton to the nearest officer authorized by the Local Government to receive it, for examination and report to the Director of Agriculture, Madras.

(3) The opinion of the authorized officer referred to in clause (b) of sub-section (2), contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to the nature of such cotton, in any inquiry, trial or proceeding under this Act.

6. (1) Every owner or occupier of any land, building, vessel or place shall give all reasonable facilities to any officer authorized under sub-section (1) of section 5 to inspect such land, building, vessel or place. Duty of owner and occupier to give facilities for inspection by authorized officer.

(2) Whoever commits a breach of the provisions of sub-section (1) shall be punishable with fine which may extend to twenty rupees.

7. No prosecution for an offence made punishable by this Act or any rule made thereunder shall be instituted— Previous sanction and limitation for prosecution

(i) without the previous sanction of the Director of Agriculture, Madras, or

(ii) after six months from the date of the commission of the offence.

Cognizance
of offences.

8. No offence made punishable by this Act or any rule made thereunder shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the second class.

Indemnity.

9. No suit, prosecution or other legal proceeding whatever shall be entertained in any Court against any person for anything in good faith done or intended to be done in pursuance or execution of this Act.

Rules.

10. (1) The Local Government may, by notification in the *Fort St. George Gazette*, make rules consistent with this Act to carry into effect the purposes thereof.

(2) In making any rule, the Local Government may provide that a breach thereof shall be punishable with fine which may extend to twenty rupees.

MADRAS ACT No. VIII OF 1932.¹

[THE MADRAS SERVICES COMMISSION (AMENDMENT)
Act, 1932.]

[27th September, 1932.]

An Act further to amend the Madras Services Commission Act, 1929 for certain purposes.

WHEREAS it is expedient further to amend the Madras Services Commission Act, 1929, for the purposes hereinafter appearing; Madras Act
XI of 1929.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of the Act;

It is hereby enacted as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Madras Services Commission (Amendment) Act, 1932.

(2) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

Amendment
of section 4,
Madras
Act XI of
1929.

2. In section 4 of the Madras Services Commission Act, 1929— Madras Act
XI of 1929.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

[Vide p. 1748.]

and

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 26th July 1932—Part IV, page 100.

1932: Mad. Act VIII.] *Services Commission* 1949
 1932: Mad. Act IX.] *Medical Registration*
 1933: Mad. Act I.] *Kapileswarapuram Impartible Estate*

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

[*Vide p. 1749.*]

MADRAS ACT No. IX OF 1932.¹

[THE MADRAS MEDICAL REGISTRATION (AMENDMENT) ACT, 1932.]

[25th October, 1932.]

An Act to amend the Madras Medical Registration Act, 1914, for certain purposes.

WHEREAS it is expedient to amend the Madras Medical Preamble. Registration Act, 1914, for the purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Medical Registra- Short title.
 tion (Amendment) Act, 1932.

2. (1) To sub-section (2) of section 16 of the Madras Amendment of section
 Medical Registration Act, 1914, the following proviso shall 16, Madras
 be added, namely:— Act IV of
 1914.

[*Vide pp. 764–765.*]

(2) In the same section, after sub-section (2), the following sub-sections shall be added, namely:—

[*Vide p. 765.*]

MADRAS ACT No. I OF 1933.²

[THE KAPILESWARAPURAM IMPARTIBLE ESTATE ACT, 1932.]

[24th January, 1933.]

An Act to declare the Kapileswarapuram Estate to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

WHEREAS it is expedient to declare that the Kapileswarapuram Estate is impartible and that its proprietor cannot

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 17th November 1931—Part IV, pages 274–275.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 23rd August 1932—Part IV, pages 114–115.

1950 *Kapileswarapuram Impartible Estate* [1933: Mad. Act I.
Anakapalle and other Impartible Estates [1933: Mad. Act II.

exercise unrestricted powers of alienation in respect thereof; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Kapileswarapuram Impartible Estate Act, 1932.

Definition of the Kapileswarapuram estate.

2. For the purpose of this Act, the Kapileswarapuram Estate shall consist of the properties specified in the Schedule.

Kapileswarapuram Estate to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

3. Notwithstanding any decision of Courts, rule or law or enactment to the contrary, the Kapileswarapuram Estate in the Kistna district is hereby declared to be impartible within the meaning of the Madras Impartible Estates Act, 1904, and shall in the hands of its present owner as well as of his heirs and successors be subject to the provisions of that Act. Madras Act II of 1904.

Savings.

4. This Act shall not affect any alienation made or debt incurred before the commencement of this Act.

SCHEDULE.

(See section 2.)

LIST OF VILLAGES INCLUDED IN THE KAPILESWARAPURAM ESTATE IN THE KISTNA DISTRICT.

Seri villages.

Mokhasas and Agraharams.

- | | |
|---|--------------------------------|
| 1 Kapileswarapuram. | 4 Ramachandrapuram. |
| 2 Ilur-lanka. | 5 Daggumilli, one-sixth share. |
| 3 Nuzvid, one-sixth share, exclusive of gardens and Palace buildings with their compound. | 6 Pinnamareddipalli. |
| | 7 Mamillapalli. |
| | 8 Surepalli, one-sixth share. |
| | 9 Vattigudipadu. |

MADRAS ACT No. II OF 1933.¹

[THE ANAKAPALLE AND OTHER IMPARTIBLE ESTATES ACT, 1932.]

[24th January, 1933.]

An Act to declare the Anakapalle and other Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

WHEREAS it is expedient to declare that the Anakapalle and other Estates are impartible and that their Proprietor cannot exercise unrestricted powers of alienation in respect thereof;

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 23rd August 1932—Part IV, pages 116–117.

1933 : Mad. Act II.] *Anakapalle and other Impartible* 1951
Estates

1933 : Mad. Act III.] *Madras City Municipal*

And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Anakapalle and other Short title.
Impartible Estates Act, 1932.

2. Notwithstanding any decision of Court, rule or law, Anakapalle or enactment to the contrary, the Anakapalle, Bharinikam, and certain Munagapaka, Godicherla, Srirampuram, Koruprolu and other Estates to be impartible Nakkapalle Estates in the Vizagapatam district are hereby declared to be impartible estates within the meaning of the Madras Impartible Estates Act, 1904, and shall in the hands within the meaning of the Madras Impartible Estates Act, 1904. be subject to the provisions of that Act.

Madras Act
II of 1904.

3. This Act shall not affect any alienation made or debt Savings.
incurred before the commencement of this Act.

MADRAS ACT No. III OF 1933.¹

[THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1933.]

[7th March, 1933.]

An Act further to amend the Madras City Municipal
Act, 1919, for certain purposes.

WHEREAS it is expedient further to amend the Madras City
Municipal Act, 1919, for the purposes hereinafter appearing;
It is hereby enacted as follows:—

Madras Act
IV of 1919.

1. This Act may be called the Madras City Municipal Short title.
(Amendment) Act, 1933.

2. In sections 23, 25, 26, 28, 29, 30, 32, 33, 34, 35, 37, Amendment
38 and 44 of the Madras City Municipal Act, 1919 (herein- of certain
after referred to as the said Act), and in rules 1, 2, 3, 4, 5, provisions
6, 8 and 15 of Schedule II to the said Act, for the word of Madras
1919.
'President' wherever it occurs the word 'Mayor' shall be
substituted.

3. In the heading to sections 37 and 38 of the said Act, Amendment
for the words 'President of the Council,' the word 'Mayor' heading to
shall be substituted. sections 37
and 38,
Madras
Act IV of
1919.

4. In rule 16 of Schedule II to the said Act, for the words Amendment
'President of the Council,' the word 'Mayor' shall be of rule 16 of
Schedule II,
Madras
Act IV of
1919.
substituted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
Extraordinary, dated 19th January 1933, page 2.

1952

Madras City Municipal [1933: Mad. Act III.
District Municipalities [1933: Mad. Act IV.
Local Boards [1933: Mad. Act V.

Repeal of
section 413,
Madras
Act IV of
1919.

5. Section 413 of the said Act shall be omitted.

MADRAS ACT No. IV of 1933.¹

[THE MADRAS DISTRICT MUNICIPALITIES (SECOND
AMENDMENT) ACT, 1933.]

[4th April, 1933.]

An Act further to amend the Madras District Municipalities Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
V of 1920.

Short title.

1. This Act may be called the Madras District Municipalities (Second Amendment) Act, 1933.

Substitution
of new
section for
section 40-A
of Madras
Act V of
1920.

2. For section 40-A of the Madras District Municipalities Act, 1920, the following section shall be substituted, namely:—

Madras Act
V of 1920.

[*Vide pp.* 1025–1027.]

Motion of
no-confi-
dence in
chairman or
vice-chair-
man to
comply with
the provi-
sions of
section 40-A
of the
Madras
District
Municipi-
palities Act,
1920.

3. On and after the date of the commencement of this Act, no motion expressing want of confidence in the chairman or the vice-chairman shall be debated or voted upon by any council unless the provisions of section 40-A of the Madras District Municipalities Act, 1920, as amended by this Act, have been complied with.

Madras Act
V of 1920.

MADRAS ACT No. V of 1933.²

[THE MADRAS LOCAL BOARDS (SECOND AMENDMENT)
ACT, 1933.]

[4th April, 1933.]

An Act further to amend the Madras Local Boards Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
XIV of 1920.

Short title.

1. This Act may be called the Madras Local Boards (Second Amendment) Act, 1933.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 26th July 1932—Part IV, pages 104–105.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 26th July 1932—Part IV, page 107.

1933: Mad. Act V.] *Local Boards*
 1933: Mad. Act VI.] *Madras City Police*
 1933: Mad. Act VII.] *Gaming*

1953

Madras Act
XIV of 1920.

2. For section 44 of the Madras Local Boards Act, 1920, the following section shall be substituted, namely:—

[*Vide pp. 1295–1296.*]

Substitution
of new
section for
section 44
of Madras
Act XIV of
1920.

Madras Act
XIV of 1920.

3. On and after the date of the commencement of this Act, no motion expressing want of confidence in the president or the vice-president shall be debated or voted upon by any board unless the provisions of section 44 of the Madras Local Boards Act, 1920, as amended by this Act, have been complied with.

Motion of
no-confi-
dence in
president or
vice-presi-
dent to
comply with
the provi-
sions of
section 44
of the
Madras
Local
Boards Act,
1920.

MADRAS ACT No. VI OF 1933.¹

[THE MADRAS CITY POLICE (AMENDMENT) ACT, 1933.]

[*25th April, 1933.*]

An Act further to amend the Madras City Police Act, 1888, for a certain purpose.

Madras Act
III of 1888.

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purpose hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras City Police (Amendment) Act, 1933. Short title.

Madras Act
III of 1888.

2. Section 42 of the Madras City Police Act, 1888, shall be renumbered as sub-section (1) of section 42 and to that section as renumbered the following sub-section shall be added, namely:—

Amendment
of section
42, Madras
Act III of
1888.

[*Vide p. 432.*]

MADRAS ACT No. VII OF 1933.²

[THE MADRAS GAMING (AMENDMENT) ACT, 1933.]

[*25th April, 1933.*]

An Act to amend the Madras Gaming Act, 1930, for a certain purpose.

Madras Act
III of 1930.

WHEREAS it is expedient to amend the Madras Gaming Act, 1930, for the purpose hereinafter appearing;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 29th September 1931—Part IV, page 252.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 15th September 1931—Part IV, page 250.

1954 *Gaming* [1933: Mad. Act VII.
 Co-operative Societies [1933: Mad. Act VIII.
 Velliyakundam Impartible Estate [1933: Mad. Act IX.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Gaming (Amend- Madras Act
III of 1930.
 ment) Act, 1933.

Amendment 2. Section 5 of the Madras Gaming Act, 1930, shall be
 of section 5, renumbered as sub-section (1) of section 5 and to that section
 Madras as renumbered the following sub-section shall be added,
 Act III of namely:—
 1930.

[*Vide p. 1772.*]

MADRAS ACT No. VIII OF 1933.¹

[THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT)
 Act, 1933.]

[2nd May, 1933.]

An Act to amend the Madras Co-operative Societies
 Act, 1932, for a certain purpose.

WHEREAS it is expedient to amend the Madras Co-operative Madras Act
VI of 1932.
 Societies Act, 1932, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Co-operative
 Societies (Amendment) Act, 1933.

Insertion of 2. After section 29 of the Madras Co-operative Societies Madras Act
VI of 1932.
 new section Act, 1932, the following section shall be inserted, namely:—
 29-A in
 Madras
 Act VI of
 1932.

[*Vide pp. 1928-1929.*]

MADRAS ACT No. IX OF 1933.²

[THE VELLIYAKUNDAM IMPARTIBLE ESTATES ACT, 1933.]

[2nd May, 1933.]

An Act to declare the Velliyakundam zamin to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

WHEREAS it is expedient to declare that the Velliyakundam zamin is an impartible estate and that its proprietor cannot exercise unrestricted powers of alienation in respect thereof;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 8th November 1932—Part IV, pages 318-319.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 22nd November 1932—Part IV, pages 322-323.

1933: Mad. Act IX.] *Velliyakundam Impartible Estate* 1955
 1933: Mad. Act X.] *Local Authorities Entertainments*
Tax

It is hereby enacted as follows:—

1. This Act may be called the Velliyakundam Impartible Short title.
 Estate Act, 1933.

2. Notwithstanding any decision of court, rule of law or The Velliyakundam enactment to the contrary, the Velliyakundam zamin in the zamin Madura district is hereby declared to be an impartible estate to be an impartible estate within the meaning of the Madras Impartible Estates Act, 1904, and shall in the hands of the present owner as well as within the meaning of the Madras Impartible Estates Act, 1904, his heirs and successors be subject to the provisions of that Act.

3. This Act shall not affect any alienation made or debt Savings.
 incurred before the coming into force of this Act.

MADRAS ACT No. X OF 1933.¹

[THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS
 TAX (AMENDMENT) ACT, 1933.]

[9th May, 1933.]

An Act to amend the Madras Local Authorities
 Entertainments Tax Act, 1926, for certain purposes.

WHEREAS it is expedient to amend the Madras Local
 Authorities Entertainments Tax Act, 1926, for the purposes
 hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Madras Local Authorities Short title.
 Entertainments Tax (Amendment) Act, 1933.

2. In section 3 of the Madras Local Authorities Enter- Amendment
 tainments Tax Act, 1926— of section 3,
 Madras
 Act V of
 1927.

(i) in clause (i) of sub-section (3), for the words " more
 than two annas," the words " more than four annas " 1927.
 shall be substituted;

(ii) in sub-section (5), for the words " entertainments
 tax be collected," the words " entertainments tax be
 levied " shall be substituted; and

(iii) in the proviso to the same sub-section for the words
 " the Act " the words " this Act," and for the words
 " directed to collect," the words " directed to levy "
 shall be substituted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 1st November 1932—Part IV, page 316.

1956 District Municipalities and Local [1933: Mad. Act XI.
Boards

MADRAS ACT No. XI OF 1933.¹

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS
(FURTHER AMENDMENT) ACT, 1933.]

[16th May, 1933.]

An Act further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for certain purposes.

WHEREAS it is expedient further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for the purposes hereinafter appearing; Madras Act II of 1922.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933.

(2) Clause (i) and sub-clause (a) of clause (ii) of section 3, and section 4 in so far as it relates to members of local boards, shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint. The rest of this Act shall come into force at once.

Amendment
of section 2,
Madras Act
II of 1922.

2. In section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1921 (hereinafter referred to as the said Act)— Madras Act II of 1922.

(i) in sub-section (1), the words 'or appointed' and the words 'having been appointed a' shall be omitted; and

(ii) in sub-section (2)—

(a) the words 'or appointed' shall be omitted; and

(b) after the words 'or at one of the first three meetings held after the said date,' the words 'which-ever is later' shall be inserted.

Amendment
of section 4,
Madras Act
II of 1922.

3. In section 4 of the said Act—

(i) in sub-section (1) the words 'or appointed' and the words 'having been appointed a' shall be omitted; and

(ii) in sub-section (2)—

(a) the words 'or appointed' shall be omitted; and

(b) after the words 'or at one of the first three meetings held after the said date,' the words 'whichever is later' shall be inserted.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 11th October 1932—Part IV, pages 287–288.

1933: Mad. Act XI.] *District Municipalities and Local Boards* 1957

1933: Mad. Act XII.] *District Municipalities*

4. In section 5 of the said Act, the words 'or appointed' shall be omitted. Amendment of section 5, Madras Act II of 1922.

5. In the Explanation to section 5-A of the said Act— Amendment of section 5-A, Madras Act II of 1922.

(i) in clause (i), after the words and figures 'Madras District Municipalities Act, 1920,' the words and figure 'and a revenue divisional officer who is ex-officio chairman under sub-section (7) of the same section' shall be inserted; and

(ii) in clause (ii)—

(a) in sub-clause (a), for the words 'district or taluk board,' the words 'local board' and for the word and figures 'section 18,' the word, figures and letter 'section 22-A' shall be substituted; and

(b) for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely:—

[*Vide p. 1425.*]

6. After section 5-A of the said Act, the following section shall be inserted, namely:— Insertion of new section 5-B in Madras Act II of 1922.

[*Vide pp. 1425-1426.*]

MADRAS ACT No. XII OF 1933.¹

[THE MADRAS DISTRICT MUNICIPALITIES (THIRD AMENDMENT) ACT, 1933.]

[16th May, 1933.]

An Act further to amend the Madras District Municipalities Act, 1920, for a certain purpose.

Madras Act V of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities (Third Amendment) Act, 1933. Short title.

Madras Act V of 1920.

2. After section 76 of the Madras District Municipalities Act, 1920, the following section shall be inserted, namely:— Insertion of new section 76-A in Madras Act V of 1920.

[*Vide p. 1043.*]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 17th January 1933—Part IV, page 2.

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Madras City Police [1933: Mad. Act XIII.
Local Boards [1933: Mad. Act XIV.

MADRAS ACT No. XIII OF 1933.¹

[THE MADRAS CITY POLICE (SECOND AMENDMENT)
ACT, 1933.]

[16th May, 1933.]

An Act further to amend the Madras City Police Act,
1888, for a certain purpose.

Preamble. WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purpose hereinafter appearing; Madras Act III of 1888.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras City Police (Second Amendment) Act, 1933.

Insertion of new section 62-A in Madras Act III of 1888. 2. After section 62 of the Madras City Police Act, 1888, the following section shall be inserted, namely:— Madras Act III of 1888.

[Vide p. 436.]

MADRAS ACT No. XIV OF 1933.²

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1933.]

[16th May, 1933.]

An Act further to amend the Madras Local Boards Act,
1920, for certain purposes.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:— Madras Act XIV of 1920.

Short title. 1. This Act may be called the Madras Local Boards (Amendment) Act, 1933.

Amendment of section 9, Madras Act XIV of 1920. 2. In sub-section (3) of section 9 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), for the words 'reserve seats for Adi-Dravidas and determine the number of such seats' the following shall be substituted, namely:— Madras Act XIV of 1920.

[Vide p. 1278.]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 16th February 1932—Part IV, page 16.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 30th August 1932—Part IV, page 139.

3. In sub-section (1) of section 49 of the said Act—
- (i) the word 'and' at the end of clause (a) shall be omitted; and
- (ii) for clause (b) the following clauses shall be substituted, namely:—
- [*Vide p. 1300.*]
- Amendment of section 49, Madras Act XIV of 1920.

MADRAS ACT No. XV OF 1933.¹

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT)
Act, 1933.]

[23rd May, 1933.]

An Act further to amend the Madras District Municipalities Act, 1920, for certain purposes.

Madras Act V
of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1933.

Short title.

Madras Act V
of 1920.

2. After clause (8-B) of section 3 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act), the following clause shall be inserted, namely:—

Amendment of section 3, Madras Act V of 1920.

[*Not printed. See p. 1003.*]

3. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely:—

Amendment of section 6, Madras Act V of 1920.

[*Vide p. 1008.*]

4. Section 11 of the said Act shall be omitted.

Repeal of section 11, Madras Act V of 1920.

5. Sub-section (2) of section 12 of the said Act shall be omitted.

Amendment of section 12, Madras Act V of 1920.

6. After section 12-A of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 12-B and 12-C in Madras Act V of 1920.

[*Vide pp. 1012-1013.*]

7. For section 13 of the said Act and the heading "The chairman" occurring before it, the following heading and sections shall be substituted, namely:—

Substitution of new sections for section 13, Madras Act V of 1920.

[*Vide p. 1013.*]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 30th August 1932—Part IV, pages 142-143.

Repeal of
section 16,
Madras Act
V of 1920.

8. Section 16 of the said Act shall be omitted.

Insertion of
new section
18-A in
Madras Act
V of 1920.

9. After section 18 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1016.*]

Amendment
of section
68, Madras
Act V of
1920.

10. To sub-section (1) of section 68 of the said Act, the following proviso shall be added, namely:—

[*Vide p. 1038.*]

Amendment
of section
39, Madras
Act V of
1920.

11. To sub-section (1) of section 69 of the said Act, the following proviso shall be added, namely:—

[*Vide p. 1039.*]

Substitution
of new
section for
section 73,
Madras Act
V of 1920.

12. For section 73 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1041.*]

Substitution
of new
section for
section 305,
Madras Act
V of 1920.

13. For section 305 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1120.*]

Amendment
of section
305-A,
Madras Act
V of 1920.

14. In section 305-A of the said Act, for the word and figures " section 305 " the words and figures " sub-section (1) of section 305 " shall be substituted.

Insertion of
new section
370 in
Madras Act
V of 1920.

15. After section 369 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1158.*]

16. After Schedule VIII to the said Act, the following Schedule shall be added, namely:—

[*Vide p. 1195.*]

Amendment
of certain
provisions
in Madras
Act V of
1920.

17. (1) In the provisions of the said Act specified in Schedule A annexed to this Act, for the word " chairman " wherever it occurs the words " executive authority " shall be substituted.

(2) The provisions of the said Act specified in the first two columns of Schedule B annexed to this Act are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

18. Notwithstanding anything contained in this Act—
- (a) the paid chairman of the Coonoor Municipal Council who is in office at the commencement of this Act shall continue to hold his office as paid chairman until his present term of office expires and a commissioner shall not be appointed to that municipality during the said term; and
- (b) the said chairman shall during the said term of office be deemed to be the executive authority of the Coonoor Municipality for all the purposes of the said Act as amended by this Act.

Saving as regards the paid chairman of the Coonoor Municipality.

SCHEDULE A.

[See section 17 (1).]

Sections 15, 20 (1) and (3), 21, 22, 33 (2), 34 (2), 35, 37 (1), 50 (4), 51 (1), 64, 70 (2), 75, 76, 80, 82 (2) Proviso (a) (ii), 87 (1) and (3) (a), 88, 89 (1) (a) and (2) (a), 90 (3), 91, 95, 96, 97, 98 (1), 101, 102 (1) and (3), 103, 104 (1), 105 (1) and (4), 106, 107, 108 (1) and (4), 109, 131 (1) and (2), 132 (1), 134 (1) and (3), 139, 140, 141, 142 (2), 143, 144, 146, 147, 148, 150, 151, 158, 165 (2), 167 (2), 168 (1), (2) and (4), 169-Explanation, 172, 173, 174-A (1) and (4) (a), 177, 178, 181, 182 (1), 183 (2) and (6), 184, 186 (1), 187, 188, 189 (2) and (3), 190 (1) and (3), 193 (4), 195, 197 (1), 198, 199, 200, 201, 202 (1), 203, 205 (1) and (3), 206, 208 (1), 209, 210, 211 (1), 212, 214, 216 and heading thereto, 217 (2), 218, 219, 220 (1), 221, 222, 223, 224, 226, 232, 233, 234, 235, 236 (1), 237, 238 (1), 242, 245 (1) and (2), 246 (1) and (2), 247, 249 (2), (3) and (4), 253 (1), 255, 256, 257, 258, 261, 269, 270, 270-C, 270-D, 271, 272 (1), (2) and (3), 273, 274, 282, 284 (c), 285, 288 (1), (2) and (4), 289, 290, 291 (1) and (2), 294, 297 (1), 301, 308 (b), 317, 319, 321 (1), (5), (6), (8) and (11), 322 (1), 325, 330, 331 (1) (c), 333 (1), 334, 335, 336, 337, 338, 339 (2), 340 (1), (2) and (3), 341 (3), 342, 343, 346, 347, 349, 351 and 361.

Schedule III.—Rule 11.

Schedule IV.—Rules 2 (1), 3, 4 (1), 5 (1), 6, 7, 8, 9, 10, 11, 13, 14 (3), 19, 23 (b), (c) and (d), 24, 26 (b), 27, 28-A (1) and (2), 29 (1) and (2), 30 (1), (2) and (5), 32, 35, 36-A, 55 (1), 53, 59 and 62 and appendices A and B.

Schedules VII and VIII.

SCHEDULE B.

[See section 17 (2).]

Section.	Sub-section or clause.	For the words	Substitute the words
(1)	(2)	(3)	(4)
18	(1)	any of his functions	any of his functions including his functions as executive authority if he is also the executive authority.
18	(2)	his functions except those of	his functions including where he is also the executive authority his functions as such except those of.

Section.	Sub-section or clause.	For the words	Substitute the words
(1)	(2)	(3)	(4)
18	(3)	any of his functions.	any of his functions including his functions as executive authority if he is also the executive authority.
18	(3) proviso (ii).	ninety days in any year in the case of an unpaid chairman and fifteen days in the case of a paid chairman	ninety days in any year.
18	(4)	the chairman may by an order in writing	the chairman may, where he is also the executive authority, by order in writing.
19	..	chairman	chairman or executive authority.
39	(i)	or chairman	chairman or executive authority.
41	(3) (b)	powers and duties of the municipal authorities	functions of the council and of its chairman, including where the chairman is also the executive authority, his functions as such.
4	(3) (b)	paid chairman ..	commissioner.
71	(1)	If, in any municipality, there is no salary attached to the office of chairman	In any municipality which is neither included in Schedule IX nor notified under subsection (1) of section 12-C.
196	..	chairman's licence ..	licence of the executive authority.
218	(3)	chairman's opinion ..	opinion of the executive authority.
249	(1)	chairman's licence ..	licence of the executive authority.
327	(1)	bear the signature of the chairman	bear the signature of the chairman or executive authority.
327	(1)	facsimile of the signature of the chairman	facsimile of the signature of the chairman or executive authority.
Heading to sections 335 to 337.	..	Chairman's powers of entry and inspection	Powers of entry and inspection of the executive authority.
350	(4)	the chairman ..	the chairman, the executive authority or.
352	..	or any municipal chairman	or any municipal chairman, executive authority.
352	..	direction of any municipal chairman	direction of any municipal chairman, executive authority.
353	(1)	chairman and every councillor	chairman, every councillor, and the executive authority.
353 A	..	chairman or any councillor	chairman, any councillor or the executive authority.
355	(1) (b)	assist the chairman ..	assist the chairman, the executive authority.

Section.	Sub-section or clause.	For the words	Substitute the words
(1)	(2)	(3)	(4)
355	(1) (b)	vesting in the chairman	vesting in the chairman or the executive authority.
359	..	chairman, any councillor	chairman, any councillor, the executive authority.
359	..	any person with whom the chairman has entered into a contract on behalf of the council	any person with whom a contract has been entered into on behalf of the council.
368	(1)	and its chairman ..	and its chairman and executive authority.
368	(3)	and of the chairman until a chairman has been elected by the council	of the chairman until a chairman has been elected by the council, and of the executive authority until a chairman has been elected or a commissioner has been appointed, as the case may be.

MADRAS ACT No. XVI OF 1933.¹

[THE BHAVANI RESERVOIR IRRIGATION CESS ACT, 1933.]

[23rd May, 1933.]

An Act to provide for the levy of water-cess on lands irrigable from the Bhavani Reservoir.

WHEREAS the Government propose to construct a reservoir on the Bhavani river near its junction with the Moyar river in order to provide water to supplement rainfall for the irrigation of dry crops;

AND WHEREAS it is necessary in order to safeguard the Government revenue that the payment of water-cess in respect of all lands the irrigation of which from the reservoir is permitted should be made obligatory whether the water is taken or not;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bhavani Reservoir Irrigation Cess Act, 1933.

Short title,
extent and
commence-
ment.

(2) It extends to all lands the irrigation of which from the Bhavani Reservoir (hereinafter called the reservoir) is allowed by or under the orders of the Local Government but

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 24th January 1933—Part IV, pages 9-10.

1964 *Bhavani Reservoir Irrigation Cess* [1933: Mad. Act XVI.

does not extend to any land which on the date this Act comes into force is entitled to irrigation with water of the Bhavani river, or any other source belonging to or constructed by the Local Government.

(3) It shall come into force on such date as the Local Government may by notification in the *Fort St. George Gazette* appoint.

Levy of
water-cess
on lands
allowed to
be irrigated
from the
Bhavani
Reservoir.

2. Notwithstanding anything contained in the Madras Irrigation Cess Act, 1865, it shall be lawful for the Local Government to levy every fasli water-cess on all lands the irrigation of which from the reservoir is allowed by or under the orders of the Local Government, whether such lands are actually irrigated with water from the reservoir or not; and the Local Government may by rule prescribe the conditions under which and the rates at which such water-cess shall be levied: Madras Act
VII of 1865

Provided that water-cess shall not be levied under this Act on any land unless a permit has been issued in respect thereof under section 3 and unless such permit is in force:

Provided further that the rate of water-cess charged under this Act shall in no case exceed nine rupees per acre.

Permits.

3. (1) Permits shall be issued in respect of all lands the irrigation of which from the reservoir is allowed by or under the orders of the Local Government.

(2) Every such permit shall be issued by such authority and shall be in such form as the Local Government may by rule prescribe and shall specify the conditions under which the land in respect of which it is issued may be irrigated, and in particular the period in every fasli during which such land may be irrigated and the source through which water may be taken for such irrigation:

Provided that where the Local Government by notification in the district gazette so direct a permit shall not be issued under this sub-section in respect of any land after the date specified in such notification in that behalf except on payment of such fee and on such other terms and by such authority as the Local Government may by rule prescribe.

(3) Every permit issued under sub-section (2) shall be served on, or tendered to, the registered holder of the land in respect of which it is issued, in such manner as the Local Government may by rule prescribe.

(4) The registered holder may, within three months from the date on which the permit is so served on, or tendered to, him, apply to the Collector of the district for the cancellation or modification of the permit on the ground that it is not advantageous to irrigate such land or any specified portion

1933 : Mad. Act XVI.] *Bhavani Reservoir Irrigation Cess 1965*

thereof either on account of the rate of water-cess prescribed by the Local Government or for any other reason such as the unsuitability of the water for the soil or for the crop usually grown on the land. Against the order of the Collector on such application, the registered holder may, within three months from the date of the order, appeal to the Board of Revenue which may pass such order on the appeal as it thinks fit. The registered holder shall not be entitled to call such permit in question except in the manner provided in this sub-section.

(5) Any permit issued under this Act may, by order, be cancelled or modified at any time by such authority as the Local Government may by rule prescribe.

(6) Every permit issued under this Act with such modifications, if any, as may be made therein under sub-section (4) or sub-section (5) shall—

- (a) remain in force until it is cancelled under either of the said sub-sections; and
- (b) be binding on the registered holder as well as the owner of the land, for the time being.

4. The provisions of sections 1-A and 2 of the Madras Irrigation Cess Act, 1865, shall apply to the levy of water-cess under this Act as if it were a cess levied under the Madras Irrigation Cess Act, 1865.

Sections 1-A and 2 of the Madras Irrigation Cess Act, 1865, to apply.

5. No civil court shall take cognizance of any suit or proceeding brought by any person questioning the rate of water-cess levied under this Act or the liability of any person to pay such cess or any order passed under section 3:

Exclusion of jurisdiction of civil courts.

Provided that nothing in this section shall prevent any person from obtaining in the civil court any relief to which he may be entitled on the ground that he is not liable to pay any such cess because he is neither the registered holder nor the owner of the land in respect of which the levy has been made or on the ground that the land in respect of which the levy has been made is entitled on the date on which this Act comes into force to irrigation with water of the Bhavani river, or any other source belonging to or constructed by the Government.

6. The Local Government may, by notification in the *Fort St. George Gazette*, make rules consistent with this Act to carry into effect the purposes thereof.

7. Nothing in this Act shall operate as a bar to the levy of water-cess under the Madras Irrigation Cess Act, 1865, for any water taken or used otherwise than under and in accordance with the terms of a permit in force issued under this Act.

Saving as to water-cess leviable under the Madras Irrigation Cess Act, 1865.

MADRAS ACT No. XVII of 1933.¹

[THE MADRAS COURT OF WARDS (AMENDMENT) ACT, 1933.]

[30th May, 1933.]

An Act further to amend the Madras Court of Wards
Act, 1902, for certain purposes.

WHEREAS it is expedient further to amend the Madras
Court of Wards Act, 1902, for the purposes hereinafter Madras Act I
of 1902.
appearing;

AND WHEREAS the previous sanction of the Governor-
General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Court of Wards
(Amendment) Act, 1933.

Amendment
of section
34, Madras
Act I of
1902. 2. Section 34 of the Madras Court of Wards Act, 1902 Madras Act
I of 1902.
(hereinafter referred to as the said Act), shall be renumbered
as sub-section (1) of section 34 and to that section as so
renumbered, the following sub-section shall be added,
namely:—

[*Vide pp. 571–572.*]

Amendment
of section
58, Madras
Act I of
1902. 3. In section 58 of the said Act, for the word and figures
“section 34”, the words, figures and brackets “sub-section
(1) and sub-section (2) of section 34” shall be substituted.

MADRAS ACT No. XVIII of 1933.²[THE MADRAS LOCAL BOARDS (THIRD AMENDMENT)
ACT, 1933.]

[30th May, 1933.]

An Act further to amend the Madras Local Boards
Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Local
Boards Act, 1920, for the purpose hereinafter appearing; Madras Act
XIV of 1920.
It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Local Boards
(Third Amendment) Act, 1933.

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*,
dated 5th July 1932—Part IV, page 46.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*,
dated 17th January 1933—Part IV, pages 3–4.

Madras Act
XIV of 1920.

2. After section 73 of the Madras Local Boards Act, 1920, the following section shall be inserted, namely:—

[*Vide p. 1314.*]

Insertion of
new section
73-A in
Madras Act
XIV of
1920.

THE TIRUMALAI-TIRUPATI DEVASTHANAMS ACT, 1932.

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MADRAS ACT No. XIX OF 1933.¹

[THE TIRUMALAI-TIRUPATI DEVASTHANAMS ACT, 1932.]

[6th June, 1933.]

An Act to provide for the better administration and governance of the Tirumalai-Tirupati Devasthanams.

WHEREAS it is expedient to provide for the better administration and governance of the Tirumalai-Tirupati Devasthanams and for the proper utilization of the funds of the said Devasthanams not required for the usual and ordinary purposes thereof;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I—PRELIMINARY.

- 1. (1) This Act may be called the Tirumalai-Tirupati Devasthanams Act, 1932.

Short title,
extent and
commence-
ment.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th August 1931—Part IV, pages 240-241.

(2) It applies to the temples specified in Schedule I and the endowments thereof, and the educational institutions specified in Schedule II.

(3) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

2. (1) On the coming into force of this Act—

Repeals.

(a) the arrangement made by the Local Government in 1843 for the management of the Tirumalai-Tirupati Devasthanams and the scheme settled by the Privy Council in Appeal No. 6 of 1906, together with the rules framed thereunder, shall cease to be operative; and

(b) the provisions of the Madras Hindu Religious Endowments Act, 1926, except section 44-A shall cease to apply to the said Devasthanams.

Madras Act
II of 1927.

(2) The Tirupati Devasthanam Schools Act, 1914, is hereby repealed.

Madras Act
IV of 1914.

3. Nothing in this Act shall be construed to affect, or in any way derogate from the powers in respect of religious endowments which the Advocate-General may exercise under sub-section (2) of section 114 of the Government of India Act. Saving of powers of Advocate-General.

4. In this Act, unless there is anything repugnant in the subject or context. Definitions.

(i) " Board " means the Board constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926, and having territorial jurisdiction over the revenue district of Chittoor;

(ii) " Commissioner " means the Commissioner of the Tirumalai-Tirupati Devasthanams appointed under section 18.

(iii) " Committee " means the Tirumalai-Tirupati Devasthanams Committee constituted under Chapter II;

(iv) " Court " means the principal civil court exercising ordinary original civil jurisdiction over Tirumalai and Tirupati;

(v) " Devasthanams " or " Tirumalai-Tirupati Devasthanams " means the temples specified in Schedule I and the endowments thereof and shall include the educational institutions referred to in Schedule II.

(vi) " Endowment " means all property belonging to, given or endowed for the support of the devasthanams or for the performance of any service or charity connected therewith, and includes the temples and any offerings made to the idols therein;

- (vii) " Hereditary officer " means the holder of an office in the devasthanams, succession to which devolves by hereditary right or is otherwise regulated by usage;
- (viii) " Mahant " means the head for the time being of the Hathiramji Math situated in Tirupati;
- (ix) " Person having interest " means a person who is entitled to attend at the performance of worship or service in any temple and includes the Board, the Committee, and the Commissioner;
- (x) " Prescribed " means prescribed by rules made by the Local Government under this Act;
- (xi) " Specific endowment " means any property endowed or money invested for the performance of any particular service or of any particular charity connected with the devasthanams; and
- (xii) " Temple " means any religious institution specified in Schedule I together with the appurtenances thereto.

CHAPTER II—THE COMMITTEE.

Administration of devasthanams to vest in Committee. 5. The administration of the devasthanams shall vest in a committee called the Tirumalai-Tirupati Devasthanams Committee, which shall be a body corporate, having perpetual succession and a common seal, and shall sue and be sued by the said name.

Constitution of the committee. 6. (1) The committee shall consist of seven members appointed by the Local Government of whom the Mahant, if willing to serve, shall be one.

(2) Every member shall hold office for a period of three years from the date on which his appointment is notified in the *Fort St. George Gazette*.

Disqualifications for membership. 7. No person shall be eligible for appointment as a member of the committee, if such person is not a Hindu, or if he—

- (i) is of unsound mind, a deaf-mute or suffering from leprosy; or
- (ii) is an undischarged insolvent; or
- (iii) is an office-holder or a servant of the devasthanams or is in receipt of any emolument or perquisite from the devasthanams; or
- (iv) is interested in a subsisting contract for making any supplies to or executing any work on behalf of the devasthanams; or
- (v) is employed as a legal practitioner on behalf of the devasthanams or as legal practitioner against the devasthanams:

Provided that the disqualification specified in clause (iii) shall not apply to the Jiyengars or the Acharyapurushas of the devasthanams.

8. Any member of the committee including the Mahant may express his inability to serve as a member, or resign his office as a member, by giving a notice in writing to the Commissioner and on such expression of inability or resignation, his office shall become vacant. Relinquish-
ment of
office by
member.

9. If in the opinion of the Local Government any member of the committee including the Mahant has failed or is unable to attend to the duties of his office for a period of three months, or if he becomes disqualified for any of the reasons mentioned in section 7, or if he is absent from the meetings of the committee for six consecutive months, or if three consecutive meetings are not held within that period, from three consecutive meetings of the committee, whichever covers a longer period, the Local Government shall, by notification in the *Fort St. George Gazette*, declare that his office has become vacant. Local
Government
to declare
office vacant
in certain
cases.

10. Any person ceasing to be a member shall, unless disqualified under section 7, be eligible for fresh appointment. Eligibility of
persons for
fresh
appoint-
ment.

11. (1) If in the opinion of the Local Government, a committee is not competent to perform, or persistently makes default in performing, the duties imposed on it under this Act, or exceeds or abuses its powers, the Local Government may, on the recommendation of the Board, by notification, dissolve the committee and direct the immediate reconstitution of another committee in accordance with the provisions of this Act. Dissolution
and recon-
stitution of
committee.

(2) Before issuing a notification under sub-section (1), the Local Government shall communicate to the committee the grounds on which they propose to do so, fix a reasonable time for the committee to show cause against the proposal, and consider its explanation or objections, if any.

(3) Where a committee is dissolved or superseded under this section, the Commissioner shall, until the constitution of another committee, have power to exercise the powers and perform the functions of the committee.

12. The quorum for a meeting of the committee shall be three. Quorum.

13. The members of the committee shall elect a President from among themselves, provided that until the expiration of three years from the date of the coming into force of this Act, the Mahant, if he is a member of the committee and willing to act as President, shall be the President. President of
committee.

Presidency
at meetings
of commit-
tee.

14. Every meeting of the committee shall be presided over by the President; and in his absence by a member chosen by the meeting to preside for the occasion.

Decision of
questions at
meetings.

15. Questions arising at a meeting of the committee shall be decided by a majority of the votes of the members present thereat and in every case of equality of votes, the President or the person presiding shall have and exercise a casting vote.

No member
to receive or
be paid
remunera-
tion.

16. No member of the committee shall receive or be paid any salary or other remuneration from the funds of the devasthanams except such travelling or halting allowances as may be prescribed.

Duties of
committee.

17. Subject to the provisions of this Act and the rules made thereunder, the committee shall manage the properties and affairs of the devasthanams and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

CHAPTER III—THE COMMISSIONER AND ESTABLISHMENT.

Commis-
sioner.

18. (1) The Local Government shall appoint a Commissioner who, unless sooner removed by them for sufficient cause, shall hold office for a period of three years. An outgoing Commissioner shall be eligible for reappointment.

(2) When any temporary vacancy occurs in the office of Commissioner, the Local Government may fill up the vacancy.

Commis-
sioner to be
a Hindu.

18-A. The Commissioner shall be a person professing the Hindu religion.

Conditions
of service
and pay of
Commis-
sioner.

19. (1) The Commissioner shall be a whole-time officer of the devasthanams and shall not undertake any work unconnected with his office without the permission of the committee.

(2) The Commissioner shall be paid out of the funds of the devasthanams such salary not exceeding Rs. 1,200 per mensem as may, from time to time, be fixed by the Local Government.

(3) If the Commissioner is a civil or military officer in the service of the Government, the devasthanams shall contribute to the leave allowances, pension and Provident Fund of the Commissioner to the extent required by the rules for the time being in force.

Powers and
duties of
Commis-
sioner.

20. (1) The Commissioner shall perform the duties and exercise the powers specified by sections 21 to 26 and section 38.

(2) He shall be the chief executive officer of the devasthanams and shall, subject to the control of the committee, have general power to carry out the other provisions of this Act.

21. The Commissioner shall be responsible for the custody of all the records and properties of the devasthanams, and shall arrange for the proper collection of the offerings made in the temples. Custody of records and properties.

22. (1) The Commissioner shall have power to lease out for a period not exceeding one year the lands and buildings of the devasthanams, which are ordinarily leased out. Powers of Commissioner to lease, etc.

(2) He shall have power to call for tenders for works or supplies and accept such tenders when the amount or value thereof does not exceed Rs. 5,000.

23. The Commissioner may, in cases of emergency, direct the execution of any work or the doing of any act, which is not provided for in the budget for the year and the immediate execution or the doing of which is, in his opinion, necessary for the preservation of the properties of the devasthanams or for the service or safety of the pilgrims resorting to the devasthanams; and may direct that the expenses of executing such work or doing the act shall be paid from the funds of the devasthanams. The Commissioner shall forthwith report to the committee the action taken under this section and the reasons therefor. Extraordinary powers of the Commissioner.

24. (1) After the appointment of the first Commissioner, he shall, as soon as may be, prepare and submit to the committee a schedule setting forth the designations and grades of the officers and servants who should, in his opinion, constitute the establishment of the devasthanams and embody his proposals with regard to the salaries and allowances payable to them; and such schedule shall come into force, on approval by the committee. Establishment Schedule.

(2) No change shall be effected in such schedule except at the instance of the Commissioner and with the sanction of the committee.

(3) The creation of any new appointment carrying a salary of not less than Rs. 200 per mensem shall be subject to the previous sanction of the Board.

25. The Commissioner shall have power to appoint all officers and servants of the devasthanams whose salary is below Rs. 200 per mensem, not being hereditary officers or holders of offices to which hereditary officers have power to appoint. The committee shall have power to appoint other officers and servants of the devasthanams not being hereditary officers or holders of offices to which hereditary officers have power to appoint. Appointment of officers and servants.

Provided that the Commissioner may make temporary provision when necessary for the carrying on of the duties of a vacant hereditary office or office to which a hereditary officer has power to appoint and report the matter to the committee at its next meeting.

Punishment
of officers
and ser-
vants.

26. (1) The Commissioner may fine, reduce, suspend, remove or dismiss any non-hereditary officer or servant of the devasthanams whom he is competent to appoint, for neglect of duty, breach of discipline, carelessness or other misconduct.

(2) The orders of the Commissioner fining an officer or servant drawing a salary not exceeding Rs. 25 per mensem shall be final. Against any other order of punishment by the Commissioner, there shall be an appeal to the committee whose decisions thereon shall be final.

(3) The Commissioner may, if he has reason to believe that any officer or servant not being an officer or servant referred to in sub-section (1) has been guilty of neglect of duty, breach of discipline, carelessness or other misconduct, suspend such officer or servant pending the orders of the committee. The Commissioner shall report the fact of such suspension with the reasons therefor to the committee at its next meeting.

(4) The committee may fine, reduce, suspend, remove or dismiss any officer or servant appointed by itself and any hereditary office-holder or servant of the devasthanams, for neglect of duty, breach of discipline, carelessness or other misconduct. The order of the committee shall be subject to an appeal to the Board. Subject to the result of such appeal, if any, the order of the committee shall be final. The order of the Board on any such appeal shall be final.

Regulations.

27. Subject to the provisions of this Act, the committee may make regulations regarding the methods of recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and servants constituting the establishment of the devasthanams.

CHAPTER IV—ADVISORY COUNCILS.

Constitu-
tion of
Advisory
Councils.

28. (1) There shall be constituted—

- (i) an advisory council consisting of the representatives of the jiyengars, the archakas, the acharya-purushas and other mirasidars of the devasthanams for the purpose of advising the committee in the administration of the religious affairs of the devasthanams; and
- (ii) another advisory council consisting of the representatives of the ryots of the devasthanams for the purpose of advising the committee in the management of the estates of the devasthanams.

(2) These advisory councils shall be constituted in the manner prescribed.

Rules for
appointment
of Chairman,
Advisory
Councils.

29. The Local Government may make rules regarding the appointment of a chairman for each of the said councils, for the conduct of business at meetings thereof, and the subjects on which the advice of these councils may be taken.

CHAPTER V—THE BOARD.

30. The Board shall have power to call for all such information and accounts as may in its opinion be necessary for reasonably satisfying itself that the devasthanams are properly maintained, the endowments thereof are properly administered and their funds duly appropriated to the purposes for which they were founded or exist; and the Commissioner or the committee shall, on such requisition, furnish such information and accounts to the Board.

Power of Board to call for information and accounts.

31. The Local Government shall annually appoint an auditor to audit the accounts of the devasthanams and fix the remuneration which shall be paid to such auditor from the funds thereof. The auditor shall send a copy of his report to the Local Government who may pass such orders thereon as they deem fit.

32. Within three months after the close of each fasli year, the committee shall submit to the Board a report of the administration of the affairs of the devasthanams during that fasli in such form as the Local Government may fix. The Board shall review the report and submit a copy of the same to the Local Government with its remarks thereon.

Administration Report.

33. The Board may make by-laws as to—

By-laws.

- (i) the maintenance of the records, accounts of receipts and expenditure and registers relating to the devasthanams;
- (ii) the custody of the records and documents of the devasthanams; and
- (iii) the investment of the funds of the devasthanams.

34. The President of the Board or any Commissioner of the Board deputed by him in this behalf may inspect any movable or immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to the devasthanams. All officers and servants of the devasthanams shall afford necessary facilities for such inspection.

Inspection of properties, etc., belonging to devasthanams.

35. The committee shall annually pay to the Board out of the funds of the devasthanams, a contribution equivalent to one and a half per centum of their income calculated in such manner as may be prescribed. If the amount of contribution demanded by the Board is not paid within the time prescribed, it shall, on the application of the President of the Board, be recovered by the Collector of the Chittoor district as if it were an arrear of land revenue and paid over to the said President of the Board.

Annual contribution to the Board.

CHAPTER VI—UTILIZATION OF FUNDS.

Purposes for which funds of devasthanams may be utilized.

36. The funds of the devasthanams may be utilized for all or any of the following purposes:—

- (i) the administration and management of the devasthanams and the maintenance of the educational institutions referred to in Schedule II;
- (ii) the foundation and maintenance of hospitals and dispensaries for the relief of the pilgrims and worshippers visiting the temples;
- (iii) the construction and maintenance of choultries and rest-houses for the use and accommodation of all classes of pilgrims;
- (iv) the provision of water-supply and other sanitary arrangements to the pilgrims;
- (v) the construction and maintenance of roads and communications and the lighting thereof for the convenience of the pilgrims and worshippers; and
- (vi) the training of archakas to perform the religious worship and ceremonies in the devasthanams, and the training of Adhyapakas and Vedaparyayanikas.

Utilization of surplus funds.

37. (1) The committee may, without prejudice to the purposes referred to in section 36 and with the previous sanction of the Board, order that the surplus funds of the devasthanams be utilized for—

- (i) the establishment of a university or college in which special provision is made for the study of Hindu religion, philosophy and sastras and for promoting the cultivation of Indian arts and architecture;
- (ii) promoting the study of Sanskrit and the Indian vernaculars; and
- (iii) any charitable, religious or educational purpose not inconsistent with the objects of the devasthanams.

(2) The committee may, with the previous sanction of the Board, modify or cancel any order passed under sub-section (1).

(3) The order of the committee under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

(4) Any person having interest may, within six months of the date of such publication, institute a suit in the court to modify or set aside such order. Subject to the result of such suit, the order of the committee shall be final.

(5) Any decision of the court under sub-section (4) may, at any time, for sufficient cause, be modified or cancelled by the court on the application of the committee.

CHAPTER VII—GENERAL.

38. (1) The Commissioner shall, in every fasli year, prepare in the prescribed form, a budget estimate of the receipts and expenditure of the devasthanams for the following fasli year, and place it before the committee which may approve it without modification or with such modifications as it deems fit.

(2) A copy of the budget as passed by the committee shall be sent to the Board before the end of May of the year previous to that for which the budget is prepared.

39. (1) The Board shall satisfy itself that adequate provision has been made in the budget for the prescribed working balance and for meeting all the liabilities of the devasthanams. Budget to provide for working balance, etc.

(2) Where such adequate provision has not been made in the budget, the Board shall order such provision to be made and amend the budget accordingly.

40. The committee may delegate to the Commissioner such of its powers, duties or functions as may be prescribed. Delegation of powers to Commissioner.

41. No sale or mortgage and no lease for more than five years of any immovable property belonging to or in the possession of the devasthanams shall be made by the committee, except with the sanction of the Board. Alienation of immovable property.

42. (1) The Local Government may make rules to carry out all or any of the purposes of this Act, not inconsistent therewith. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to—

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the grant of leave and leave allowances to and payment of contributions towards the pension of the Commissioner;
- (c) the grant of travelling and halting allowances to the Commissioner;
- (d) the grant of travelling and halting allowances to the members of the committee and advisory councils;
- (e) the preparation of the budget estimates for the devasthanams;
- (f) the preparation and sanction of the estimates, and acceptance of tenders, in respect of public works and for supplies;
- (g) the convening of meetings and the transaction of business of the committee and of the advisory councils;

(h) the audit of the accounts of the devasthanams and the particulars to be mentioned in the audit report; and

(i) the recovery of amounts payable to auditors appointed by the Local Government.

Saving of established usages and customs.

43. Save as otherwise expressly provided in or under this Act, nothing herein contained shall affect any established usage of any temple or the rights, honours, emoluments and perquisites to which any person may, by custom or otherwise, be entitled in such temple.

Suits.

44. (1) The Board or any other person having interest may institute a suit in the court to obtain a decree—

- (a) vesting any property in the committee; or
- (b) declaring what portion of an endowment or of the interest therein shall be allocated to any particular object; or
- (c) removing any member of the committee or the trustee of a specific endowment, and directing the appointment of a new member of the committee or a new trustee for the specific endowment; or
- (d) directing accounts and enquiries, or
- (e) granting such further or other relief as the nature of the case may require.

(2) Sections 92 and 93 and Rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908, shall have no application to any suit claiming any relief in respect of the administration or management of the devasthanams and no suit in respect of such administration or management shall be instituted except as provided by this Act.

Committee to be in possession of institutions and properties.

45. (1) The committee shall be entitled to take and be in possession of all the institutions, properties, jewels, records and documents of the devasthanams.

(2) If in obtaining such possession, the committee is resisted or obstructed by any person, it may make an application to the Court complaining of such resistance or obstruction, and the Court shall, unless it is satisfied that the resistance or obstruction was occasioned by any person claiming in good faith to be in possession on his own account or by virtue of some right independent of that of the devasthanams, make an order that the committee be put into possession. Such order shall, subject to the result of any suit which may be filed to establish the right to the possession of the property, be final.

Costs of suit, etc.

46. The costs, charges and expenses of, and incidental to, any suit, application or appeal under this Act shall be in the discretion of the Court, which may direct the whole or any part of such costs, charges and expenses to be met from the

funds of the devasthanams, or to be borne and paid in such manner and by such persons as it thinks fit:

Provided that all costs and expenses incurred by the Board or the committee in connexion with any legal proceedings required in the interests of the devasthanams shall be payable out of the funds of the devasthanams.

47. The trustee of a specific endowment attached to any temple shall perform the service or charity therein subject to the general superintendence of the committee, and such orders as it may issue. Such trustee shall be in such possession of the endowment as he may be entitled to and shall also maintain and submit to the Commissioner such accounts, registers and returns as the committee may require. The accounts of a specific endowment shall be annually audited by an auditor appointed by the committee. He shall be paid such remuneration from the funds of such endowment as the committee may fix.

Duties of Trustee of specific endowment.

48. If any difficulty arises in giving effect to the provisions of this Act, the Local Government, as occasion may require, may, by order, do anything not inconsistent with this Act, which appears to them necessary for the purpose of removing the difficulty.

Removal of difficulties.

49. (1) No act or proceeding of the Board or committee or of any person acting as President or Commissioner of the Board or as President or member of the committee shall be deemed to be invalid by reason only of a defect in the establishment or constitution of the Board or committee or on the ground that any member of the Board or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his appointment or by reason of such act having been done or proceeding taken during the period of any vacancy in the office of President or Commissioner of the Board or of President or member of the committee.

Acts of Board, etc., not to be invalidated by informality, etc.

(2) No act or proceeding of the Commissioner shall be deemed to be invalid by reason only of a defect or irregularity in his appointment or on the ground that he was not entitled to hold or continue in office by reason of any disqualification.

SCHEDULE I.

List of the Tirumalai-Tirupati Devasthanams.

[*Vide* section 1 (2).]

I. The temple of Sri Venkateswaraswami on Tirumalai hill with the sub-temples of—

- (1) Sri Varahaswami,
- (2) „ Bhashyakarlu No. I (within the pagoda),
- (3) „ Bedi-Hanumantharayaswami,
- (4) „ Kshetrapalaka,
- (5) „ Dova Bhashyakarlu, and
- (6) „ Anjaneyaswami (in front of Sri Varahaswami)

II. The temple of Sri Govindarajaswami at Tirupati with the sub-temples of—

- (1) Sri Saley Nacharamma,
- (2) „ Choodikodutta Nacharamma,
- (3) „ Modal Alwar,
- (4) „ Chakrath Alwar,
- (5) „ Madhurakavi Alwar,
- (6) „ Anjaneyaswami (near Dhwajasthambam),
- (7) „ Anjaneyaswami (near Pedda Bugga),
- (8) „ Manavala Mahamuni,
- (9) „ Nammalwar,
- (10) „ Vedanta Desikulu,
- (11) „ Woolu Alwar,
- (12) „ Tirumala Nambi,
- (13) „ Tirumanga Alwar,
- (14) „ Bhashyakarlu No. II,
- (15) „ Kurath Alwar, and
- (16) „ Sanjeevaroyaswami.

III. The temple of Sri Kothandaramaswami at Tirupati.

IV. The temple of Sri Kapileeswaraswami at Tirupati.

V. Sri Padmavathi's temple at Tiruchanur with the sub-temples of—

- (1) Sri Krishnaswami,
- (2) „ Suryanarayanawami, and
- (3) „ Sundararajaswami.

VI. Any other minor temple attached to any of the above temples and not specifically mentioned above.

SCHEDULE II.

List of educational institutions maintained from the funds of the Tirumalai-Tirupati Devasthanams—

- (1) Devasthanam Hindu High School, Tirupati.
- (2) Sri Mahant Devasthanam Hindu High School, Vellore.
- (3) „ Venkateswara Vedapatasala, Tirupati.
- (4) „ Venkateswara Ayurvedic College, Tirupati.
- (5) „ Venkateswara Sanskrit College, Tirupati.

THE MADRAS COMMERCIAL CROPS MARKETS ACT, 1933.

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MADRAS ACT No. XX OF 1933.¹

[THE MADRAS COMMERCIAL CROPS MARKETS ACT, 1933.]

[25th July, 1933.]

An Act to provide for the better regulation of buying and selling of commercial crops and the establishment of markets for commercial crops, in the Presidency of Madras.

WHEREAS it is expedient to provide for the better regulation of the buying and selling of commercial crops in the Presidency of Madras and for that purpose to establish markets and make rules for their proper administration;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted by follows:—

1. (1) This Act may be called the Madras Commercial Crops Markets Act, 1933. Short title and extent.

(2) It extends to the whole of the Presidency of Madras.

2. In this Act, unless there is anything repugnant in the subject or context,

(i) 'commercial crop' means cotton, groundnut or tobacco;

(ii) 'grower of a commercial crop' shall not include a dealer or broker in that crop although he may grow that crop. If a question arises as to whether any person is a grower of a commercial crop or not for

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 28th July 1931—Part IV, pages 126–127.

the purposes of this Act, the decision of the Collector of the district in which the notified area is situated shall be final;

(iii) 'local body' means the Corporation of Madras or a municipal council or a taluk board or a panchayat constituted under any enactment for the time being in force;

(iv) 'notified area' means any area notified under section 4;

(v) 'prescribed' means prescribed by rules or by-laws made under this Act; and

(vi) 'taluk board' means a taluk board constituted under the Madras Local Boards Act, 1920, and where in any part of a district there is no taluk board, the district board constituted under the said Act. Madras Act
XIV of 1920.

Notification of intention of exercising control over purchase and sale of commercial crop in specified area.

3. The Local Government may, by notification in the *Fort St. George Gazette*, declare their intention of exercising control over the purchase and sale of such commercial crop or crops and in such area comprised in the district, as may be specified in the notification. Such notification shall state that any objections or suggestions which may be received by the Local Government, within a period to be specified in the notification, will be considered by them.

A copy of the notification shall be published in the prescribed manner.

Declaration of notified area.

4. (1) After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before such expiry, the Local Government may, by notification and in any other manner prescribed declare the area notified under section 3 or any portion thereof to be a notified area for the purposes of this Act in respect of the commercial crop or crops notified under section 3 or any of them. From the date of issue of such notification or from such later date as may be specified therein, no person shall within the notified area set up, establish or continue or allow to be continued any place for the purchase and sale of the commercial crop or crops so notified, except under a licence granted by the Local Government and except in accordance with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a place for the purchase and sale of a commercial crop within the meaning of this section if he sells his own crop or if he purchases in quantities not exceeding those prescribed, any commercial crop for his private use.

(2) The Local Government may, on the report of the Collector of the district or of the market committee, and after such enquiry as they deem fit, cancel or suspend any licence granted under sub-section (1).

5. The Local Government shall establish a market committee for every notified area. It shall be the duty of the market committee to enforce the provisions of this Act and the rules and by-laws made thereunder in such notified area and when so required by the Local Government to establish a market therein providing for such facilities, as the Local Government may from time to time direct, in connexion with the purchase and sale of the commercial crop or crops concerned.

Establishment of market committee.

6. (1) Every market committee shall consist of twelve members. Of these—

Constitution of committee.

(i) five shall be persons elected from among themselves by the growers of the commercial crop or crops in such area as the Local Government may determine;

(ii) two shall be persons nominated by the Local Government;

(iii) one shall be a person elected—

(a) by the councillors of the Corporation of Madras from among themselves, in case the notified area is the City of Madras,

(b) by the members of the municipal council from among themselves, in case the notified area is a municipality,

(c) by the members of the taluk board from among themselves, in case the notified area is a non-panchayat area,

(d) by the members of the panchayat from among themselves, in case the notified area is a panchayat area, or

(e) by the members of all the local bodies concerned from among themselves, in case the notified area falls within the jurisdiction of more than one local body; and

(iv) four shall be persons elected by persons licensed under section 4.

(2) Every member shall hold office for a period of three years from the date of his election or nomination, as the case may be:

Provided that a member elected under clause (iii) of sub-section (1) shall cease to hold office as member if he ceases to be a member of the electorate by which he was elected.

(3) Every market committee shall elect one of its members to be its chairman.

Incorporation of committee.

7. Every market committee shall be a body corporate by such name as the Local Government may specify in the notification establishing it, shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established.

Sub-committees and joint committees and delegation of powers.

8. The market committee may appoint one or more of its members to be a sub-committee or to a joint committee for the conduct of any work or to report on any matter, and may delegate to any one or more of its members such of its own powers or duties as it may think fit.

Appointments and salaries of officers and servants of market committee.

9. (1) Subject to such rules as may be made by the Local Government in this behalf, a market committee may employ such officers and servants as may be necessary for the management of the market, may pay such officers and servants such salaries as it may think fit and shall have power to control and punish them. The committee may also provide for the payment to its officers and servants of such leave allowances, pensions, gratuities or compassionate allowances as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(2) The committee shall in the case of any officer or servant of Government which it employs, pay Government such contribution towards the pension and leave allowances of such officer or servant as may be payable under the regulations in that behalf in force for the time being.

Execution of contracts.

10. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

Levy of fees.

11. The market committee shall, subject to such rules as may be made in this behalf, levy fees on the commercial crop or crops bought and sold by licensees in the notified area.

Market Committee Fund.

12. (1) All moneys received by a market committee shall be paid into a fund to be called the 'Market Committee Fund.' All expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested in such manner as may be prescribed by rules.

(2) (a) Every market committee shall out of its fund pay to the Local Government the cost of any special or additional staff employed by the Local Government in consultation with the committee for giving effect to the provisions of this Act in the notified area.

(b) The Local Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Local Government determining the amount payable by any market committee shall be final.

13. Subject to the provisions of section 12, the market committee fund shall be expended for the following purposes only—

Purposes for which the fund may be expended.

- (i) the acquisition of a site or sites for the market;
- (ii) the maintenance and improvement of the market;
- (iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
- (iv) the provision and maintenance of standard weights and measures;
- (v) the pay, pensions, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the market committee;
- (vi) the expenses of and incidental to elections;
- (vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;
- (viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the commercial crop or crops concerned; and
- (ix) propaganda in favour of agricultural improvement and thrift.

14. No trade allowance, other than any allowance prescribed by rules or by-laws made under this Act, shall be made or received in a notified area by any person in any transaction in respect of the commercial crop or crops concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so prescribed.

No trade allowance permissible except as prescribed by rules, or by-laws.

Explanation.—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard, or on account of

difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Power to
borrow.

15. (1) Every market committee may, with the previous sanction of the Local Government, raise the money required for carrying out the purposes for which it is established on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Local Government.

(2) The conditions under which such money or loan shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Local Government.

Supersession
of market
committee.

16. (1) If, in their opinion, a market committee is not competent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, the Local Government may, by notification in the *Fort St. George Gazette*, supersede such committee:

Provided that before issuing a notification under this sub-section, the Local Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the market committee.

(2) Upon the publication of a notification under sub-section (1) superseding a market committee, the following consequences shall ensue:—

- (a) all the members as well as the chairman of the market committee shall, as from the date of such publication, be deemed to have vacated their offices;
- (b) the Local Government may, at their discretion, by order, either constitute a new committee under section 5 or make such arrangements for the carrying out of the functions of the committee, as the Local Government may think fit; and
- (c) all the assets vested in the committee shall, subject to all its liabilities vest in the Local Government.

(3) (a) If the Local Government make an order under clause (b) of sub-section (2), they shall transfer the assets and liabilities of the market committee, as on the date of such transfer, to the new committee constituted under section 5 or to the person or persons, if any, appointed for carrying out the functions of the committee, as the case may be.

(b) If the Local Government do not make such an order, they shall transfer all the assets of the market committee which remain after the satisfaction of all its liabilities, to the local body within whose jurisdiction the market committee is situated, or if there is more than one such local body, to each of such bodies in such proportion as the Local Government may determine.

(c) Any local body to which any assets have been transferred under clause (b) shall employ such assets for any object of public utility in the area within its jurisdiction.

17. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor. Penalties.

18. (1) The Local Government may, either generally or specially for any notified area or areas, make rules consistent with this Act for carrying out all or any of the purposes thereof. Rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for or regulate—

- (i) the election and nomination of members of a market committee, and the manner of election, the preparation and revision of lists of voters from time to time, and the payment of all expenditure in connexion with or incidental to such election;
- (ii) the election of the chairman of a market committee and his term of office;
- (iii) the filling of casual vacancies in the office of chairman or member of a market committee;
- (iv) the maximum annual fees which may be levied by the market committee in respect of licences granted to traders under section 4 and on the commercial crop or crops bought and sold by them in the notified area, and the recovery of such fees;
- (v) the issue by a market committee of licences to brokers, weighmen, measurers and surveyors, the form in which, and the conditions under which, such licences shall be issued or renewed, and the fees to be charged therefor;
- (vi) the kind and description of the scales, weights and measures which alone may be used in transactions in the commercial crop or crops in a notified area;

- (vii) the periodical inspection, verification and correction of all scales, weights and measures in use in a notified area;
- (viii) the trade allowances which may be made or received by any person in any transaction in a commercial crop or crops in a notified area;
- (ix) the provision of facilities for the settlement of any dispute between a buyer and seller of a commercial crop or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, dirt or impurities or deductions from any cause;
- (x) the prohibition of brokers from acting in any transaction on behalf of both the buyer and seller of a commercial crop;
- (xi) the provision of accommodation for storing any commercial crops brought into the market;
- (xii) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;
- (xiii) the form in which the accounts of a market committee shall be kept, the audit and publication of such accounts, and the charges, if any, to be made for such audit;
- (xiv) the preparation and submission for sanction of an annual budget and the reports and returns to be furnished by a market committee; and
- (xv) the investment and disposal of the surplus funds of a market committee.

(3) Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to two hundred rupees.

(4) (a) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(b) All rules made under this section shall be published in the *Fort St. George Gazette* and on such publication shall have effect as if enacted in this Act.

(c) All such rules shall be laid on the table of the Legislative Council.

By-laws.

19. (1) Subject to any rules made by the Local Government under section 18 and with the previous sanction of the Collector of the district, a market committee may in respect of the market under its management make by-laws for the regulation of the business and the conditions of trading therein.

(2) Any by-law made under this section may provide that contravention thereof shall be punishable with fine which may extend to fifty rupees.

20. (1) No offence made punishable by this Act or any rule or by-law made thereunder shall be tried by a court inferior to that of a Presidency Magistrate or a Magistrate of the first class. Trial of offences.

(2) Prosecutions under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.

(3) All fines recovered from an offender shall be credited to provincial revenues and a grant equivalent to such fines shall be paid to the market committee.

21. All sums due from a market committee to the Local Government may be recovered in the same manner as arrears of land revenue. Recovery of sums due to Government from market committee.

22. With the previous sanction of the Local Government which may be accorded by general or special order, the Collector of the district may, by an order in writing, delegate to any revenue officer not below the rank of a tahsildar all or any of his powers or duties under this Act or the rules framed thereunder. Delegation of Collector's powers.

THE MADRAS NAMBUDRI ACT, 1932.

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MADRAS ACT No. XXI OF 1933.¹

[THE MADRAS NAMBUDRI ACT, 1932.]

[1st August, 1933.]

An Act to define and amend in certain respects the law relating to family management, marriage, guardianship, intestate succession and partition applicable to Nambudri Brahmans and certain other communities, not governed by the Marumakkattayam law of inheritance.

WHEREAS it is expedient to define and amend in certain respects the law relating to family management, marriage, guardianship, intestate succession and partition applicable to

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th August 1931—Part IV, pages 224–225.

Nambudri Brahmans and certain other communities, not governed by the Marumakkattayam law of inheritance;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act:

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Madras Nambudri Act, Short title
and
application.
1932.
- (2) It shall apply—
- (a) to all Nambudri Brahmans in the Presidency of Madras who are not governed by the Marumakkattayam law of inheritance; and
 - (b) to all Nambudri Brahmans outside the said Presidency; not governed by the said law, in respect of immovable property situated within it.

2. In this Act, unless there is anything repugnant in the subject or context—

- (a) 'anandravan' means any member of the illom other than the karnavan;
- (b) 'illom' means all the members of a Nambudri joint family with community of property and includes a 'mana';

Explanation.—A female shall on her marriage cease to be a member of the illom in which she was born and become a member of the illom of her husband;

- (c) 'karnavan' means the oldest male member of an illom in whom the right to management of its properties vests or in the absence of a male member the senior female member;

Explanation.—The seniority as between two or more females, who become members of the illom by marriage, shall be determined according to the dates of their marriages;

- (d) 'major' means a person who has attained eighteen years of age; and
- (e) 'minor' means a person who has not attained eighteen years of age.

CHAPTER II.

ILLOM AND ITS MANAGEMENT.

3. (1) Every member of an illom, whether male or female, shall have an equal proprietary interest in its properties. Proprietary
right of
members in
illom
properties.
- (2) Such proprietary interest shall not in any manner be impaired or affected by reason of the deviation of such member from any orthodox custom or usage.

Duty of
karnavan to
keep
accounts.

4. The karnavan shall keep true and correct accounts of the income and expenditure of the illom. The accounts of each year shall be available for inspection at the illom house by the major anandravans once in a year throughout the month of Kanni following such year and any such anandravan may take copies of or extracts from such accounts.

Alienation
of
immovable
property by
karnavan.

5. (1) Except for consideration and for illom necessity or benefit and with the written consent of the majority of the major members of the illom, no karnavan shall sell immovable property of the illom or mortgage with possession or lease such property, for a period exceeding twelve years.

(2) No mortgage with possession or lease with premium returnable wholly or in part, of any such property executed by a karnavan for a period not exceeding twelve years shall be valid unless such mortgage or lease is for consideration and for illom necessity or benefit.

(3) Nothing contained in this section shall be deemed to restrict the power of the karnavan to grant, in the usual course of management, for a period not exceeding twelve years, and lease without premium returnable wholly or in part, or the renewal of an existing kanam.

Debt
contracted
by karnavan
when
binding an
illom.

6. No debt contracted or mortgage without possession executed by a karnavan shall bind the illom unless the debt is contracted or the mortgage is executed for illom necessity.

Maintenance
of members
of illom.

7. Every member of an illom, whether living in the illom house or not, shall be entitled to maintenance consistent with the income and the circumstances of the illom.

Relinquish-
ment of
karnavan-
ship.

8. Any karnavan may by a registered document give up his rights as karnavan.

CHAPTER III.

MARRIAGE.

Right of
Nambudri
male to
marry
in his
community.

9. Notwithstanding any custom or usage to the contrary, every major male Nambudri shall, subject to the provisions of section 5 of the Madras Marumakkattayam Act, 1932, and any other law for the time being in force, be at liberty to marry in his own community.

Right of
major
Nambudri
female to
have her
marriage
performed
and recover
the marriage
expenses
and dowry.

10. (1) Any unmarried major female member of an illom who marries, or has her marriage with a male belonging to her community performed with her consent by her father or any other member of her illom, shall be entitled to recover from the illom properties, the reasonable expenses of such marriage as well as her dowry:

Provided that not less than three months' previous notice in writing of the marriage shall be given to the karnavan.

(2) The amount recoverable under sub-section (1) shall not exceed one-third of the value of the share which would fall to such female member if a division *per capita* of the properties of the illom were made among all the members thereof living on the date of the marriage, or rupees ten thousand, whichever is less:

Provided that where an illom consists of females only, the amount recoverable under this sub-section may extend to the full value of her share.

11. No Nambudri who has a Nambudri wife living shall marry another Nambudri woman except in the following cases:—

- (a) where the wife is afflicted with an incurable disease for more than five years,
- (b) where the wife has not borne him any child within ten years of her marriage,
- (c) where the wife has become an outcaste.

12. (1) Any Nambudri male who contracts a marriage in contravention of section 11 shall be punished with fine which may extend to one thousand rupees, but a marriage so contracted shall not be deemed to be invalid.

(2) Any person who conducts, directs or abets the performance of any marriage in contravention of section 11 shall be punished with fine which may extend to one hundred rupees.

13. The dowry given to a Nambudri female or recovered by her under section 10 shall be her separate property.

CHAPTER IV.

GUARDIANSHIP.

14. (1) Subject to the provisions of sub-section (2), the following persons in the order named shall be the legal guardian of a minor, male or female, in respect of his or her person and separate property, namely, father, mother, full brothers in the order of seniority, paternal grandfather, paternal uncles in the order of seniority, father's mother and consanguine brothers in the order of seniority.

(2) The husband shall be the legal guardian of his minor wife in respect of her person and separate property.

15. Nothing contained in section 14 shall be deemed to affect the operation of the Guardians and Wards Act, 1890.

CHAPTER V.

INTESTATE SUCCESSION.

Property as to which a person is considered to have died intestate.

16. A person is deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

Illustrations.

(i) *A* has left no will. He has died intestate in respect of the whole of his property.

(ii) *A* has left a will whereby he has appointed *B* his executor but the will contains no other provisions. *A* has died intestate in respect of the distribution of his property.

(iii) *A* has bequeathed his whole property for an illegal purpose. *A* has died intestate in respect of the distribution of his property.

(iv) *A* bequeathed Rs. 1,000 to *B* and Rs. 1,000 to the eldest son of *C* and made no other bequest and died leaving Rs. 2,000. *C* died before *A* without ever having had a son. *A* has died intestate in respect of the distribution of Rs. 1,000.

Devolution of property left by Nambudri male intestate.

17. On the death intestate of a Nambudri male, his property which is self-acquired or separate shall, subject to the provisions of section 30 of the Madras Marumakkattayam Act, 1932, devolve in the order and according to the rules contained in sections 18, 19 and 20.

Where the intestate has left widow, children or lineal descendants.

18. Where the intestate has left surviving him by a marriage or marriages in his own community one or more of the following relations, namely:—

- (a) a widow or widows,
- (b) a son or sons,
- (c) an unmarried daughter or unmarried daughters, and
- (d) a lineal descendant or descendants (other than married females) in the male line through a deceased son or sons,

the whole of the property shall belong to such surviving relation or relations.

Rules of distribution in case falling under section 18.

19. The distribution of the property among the heirs referred to in section 18 shall be made in accordance with the following rules:—

- (i) The widow or, if there is more than one widow, each of the widows, shall be entitled to a share equal to that of a son or unmarried daughter.
- (ii) Every son or unmarried daughter shall be entitled to an equal share;

Provided that if a son has pre-deceased the intestate, his lineal descendants in the male line (other than married females) shall be entitled to the share which such son would have taken had he survived the intestate.

- (iii) The sons and unmarried daughters of a deceased son shall be entitled in equal shares to what their father would have taken had he survived the intestate :

Provided that if a son's son has pre-deceased the intestate, his lineal descendants in the male line (other than married females) shall be entitled to the share which such son's son would have taken had he survived the intestate.

- (iv) In like manner, the property shall go to the surviving lineal descendants of the intestate in the male line (other than married females) where such descendants are in the degree of great-grandchildren or in a more remote degree.

Explanation.—The descendants of a son, son's son or other male descendant in the male line shall not be entitled to any share in such property, if such son, son's son or other descendant is alive at the time of the death of the intestate.

Illustrations.

- (1) *Z* dies intestate leaving two widows *A* and *B*, a son *C*, a grandson *D* by such son, a married daughter *E*, an unmarried daughter *F* and by a deceased son, a grandson *G*, a married granddaughter *H* and an unmarried granddaughter *J*. *A*, *B*, *C* and *F* each gets one-fifth of the property, *G* and *J* one-tenth each and *D*, *E* and *H* do not get any share.
- (2) *Z* dies intestate leaving no widow but leaving *A* a son, *B* an unmarried daughter, *E* a grandson and *F* an unmarried granddaughter by a deceased son *C*, an unmarried granddaughter *G* by a deceased son *D* and two great-grandsons *H* and *J* by a deceased son of *D*. *A* and *B* will each be entitled to one-fourth of the property, *E* and *F* will each be entitled to one-eighth, *G* will be entitled to one-eighth and *H* and *J* to one-sixteenth each.
- (3) *Z* dies intestate leaving no widow or child but leaving three grandsons *A*, *B* and *C* by a deceased son *X* and two unmarried granddaughters *D* and *E* by a deceased son *Y*. *A*, *B* and *C* will each be entitled to one-sixth and *D* and *E* will each be entitled to one-fourth of *Z*'s property.

Devolution
of property
where the
intestate
has not
left any
of the heirs
mentioned
in section
18.

20. (1) Where the intestate has not left surviving him any of the heirs mentioned in section 18, the property shall devolve on the relations and in the order specified below:—

- (1) Father;
- (2) Mother;
- (3) Brothers and sisters;
- (4) Sons and unmarried daughters of brothers;
- (5) Father's father;
- (6) Paternal uncles;
- (7) Sons of paternal uncles;
- (8) Sisters' children;
- (9) Father's paternal grandfather;
- (10) Father's paternal grandfather's descendants in the male line, the nearer excluding the more remote; and
- (11) Father's remoter ascendants in the male line and their descendants, the nearer ascendant and his descendants excluding the more remote ascendant and his descendants and among the descendants of the same ascendant, the nearer excluding the more remote.

(2) Property devolving on two or more heirs under subsection (1) shall be divisible among them equally.

Devolution
of property
left by a
married
Nambudri
female
intestate.

21. (1) On the death intestate of a married Nambudri female, her property which is self-acquired or separate shall devolve on the relations and in the order specified below:—

- (1) Sons and daughters;
- (2) Children of deceased sons;
- (3) Sons of deceased daughters;
- (4) Husband;
- (5) Father;
- (6) Mother;
- (7) Brothers and sisters;
- (8) Brothers' and sisters' children;
- (9) Relations of her husband mentioned in section 18 and not included in clauses (1) and (2); and
- (10) Relations of her husband mentioned in subsection (1) of section 20 in the order specified therein.

(2) Property devolving on two or more heirs under subsection (1) shall be divisible among them equally:

Provided that where the property devolves on the relations of the husband referred to in clause (9) of subsection (1), it shall be divisible among them in accordance with the rules laid down in section 19.

22. On the death intestate of an unmarried Nambudri female, the whole of her property which is self-acquired or separate shall devolve on her parents. In the absence of her parents, it shall devolve on her brothers and sisters in equal shares and in their absence it shall devolve on her illom.

Devolution of property left by an unmarried Nambudri female intestate.

CHAPTER VI.

PARTITION.

23. (1) Any member of an illom, male or female, may claim to take his or her share of all the properties of the illom over which it has power of disposal and separate from the illom:

Right of member to claim partition.

Provided that where a male member of an illom whose wife is also a member thereof claims to separate from the illom, he shall do so on behalf of himself and his wife and the shares of the husband and wife shall be allotted to them jointly; and save as provided in section 24, neither the husband nor the wife shall be entitled to claim partition from the other.

(2) (a) A member of an illom separating from it under sub-section (1) shall be entitled to such share of the illom properties as would fall to him or her if a division *per capita* were made among all the members of the illom then living.

(b) A husband and wife separating from an illom under the proviso to sub-section (1) shall be entitled to such share of the illom properties as would fall to them if a division *per capita* were made among all the members of the illom then living.

(3) No claim to separate from an illom made on behalf of a minor member shall be allowed by any court unless it is satisfied that such separation would be to the benefit of such minor.

24. (1) Any member of an illom who has changed his or her religion may claim, or be compelled by any other member of the illom, to take his or her share of the illom properties and separate from the illom.

Partition on change of religion.

(2) The member who claims or is compelled to divide from the illom under sub-section (1) shall be entitled to such share of the illom properties as would fall to him or her if a division *per capita* were made among all the members of the illom then living.

25. The share obtained by any member separating from an illom under sub-section (1) of section 23 or under section 24 shall be the separate property of such member:

Character of property taken on partition.

Provided that the share obtained by a husband and wife separating jointly under the proviso to sub-section (1) of section 23 shall be taken by them with the incidents of illom property.

CHAPTER VII.

MISCELLANEOUS.

Saving.

26. Nothing contained in this Act shall be deemed to affect any law, custom or usage applicable to Nambudri Brahmans except to the extent expressly laid down in this Act.

Application
of the Act
to certain
communi-
ties.

27. The provisions of this Act shall also apply to the following communities in the Malabar district who are not governed by the Marumakkattayam law of inheritance and who follow customs and usages similar to those of the Nambudris, namely, Adigal, Elayads, Moosads, Pitarans and Nambissans.

 THE MADRAS MARUMAKKATTAYAM ACT, 1932.

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MADRAS ACT No. XXII OF 1933.¹

[THE MADRAS MARUMAKKATTAYAM ACT, 1932.]

[1st August, 1933.]

An Act to define and amend in certain respects the law relating to marriage, guardianship, intestate succession, family management and partition applicable to persons governed by the Marumakkattayam law of inheritance.

WHEREAS it is expedient to define and amend in certain respects the law relating to marriage, guardianship, intestate succession, family management and partition applicable to persons governed by the Marumakkattayam law of inheritance;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and applica-
tion. 1. (1) This Act may be called the Madras Marumakkattayam Act, 1932.

(2) It shall apply—

(a) to all Hindus in the Presidency of Madras who are governed by the Marumakkattayam law of inheritance;

(b) to all Hindus outside the said Presidency governed by the said law, in respect of properties within it; and

(c) to all Hindu males, whether governed by the said law or not, who have contracted or may contract marital alliances with Hindu females governed by the said law.

Repeal of Madras Act IV of 1896. 2. The Malabar Marriage Act, 1896, in so far as it is applicable to Hindus following the Marumakkattayam law of inheritance, is hereby repealed.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context—

(a) ' anandravan ' means any member of a tarwad other than the karnavan;

¹ For Statements of Objects and Reasons see *Fort St. George Gazette*, dated 18th August 1931—Part IV, page 248.

- (b) 'Collector' means the Collector of Malabar or South Kanara, as the case may be, and includes any Revenue Divisional Officer who is authorized by the Collector to perform his functions under this Act;
- (c) 'karnavan' means the oldest male member of a tarwad or tavazhi, as the case may be, in whom the right to management of its properties vests or, in the absence of a male member, the oldest female member or where by custom or family usage the right to such management vests in the oldest female member, such female member;
- (d) 'major' means a person who has attained eighteen years of age;
- (e) 'marumakkattayam' means the system of inheritance in which descent is traced in the female line but does not include the system of inheritance known as the Aliyasantana;
- (f) 'marumakkattayi' means a person governed by the Marumakkattayam law of inheritance;
- (g) 'minor' means a person who has not attained eighteen years of age;
- (h) 'prescribed' means prescribed by rules made under this Act;
- (i) 'tarwad' means the group of persons forming a joint family with community of property governed by the Marumakkattayam law of inheritance;
- (j) (i) 'tavazhi' used in relation to a female means the group of persons consisting of that female, her children and all her descendants in the female line; and
(ii) 'tavazhi' used in relation to a male means the tavazhi of the mother of that male.

CHAPTER II.

MARRIAGE AND ITS DISSOLUTION.

4. (1) Save as provided in section 5, the conjugal union of a marumakkattayi female with—
- Marriages
valid under
the Act.
- (i) a male belonging to the same community as such female, or
 - (ii) a male, not belonging to such community and whether a marumakkattayi or not, shall be deemed for all purposes to be a legal marriage if—
 - (a) the parties to the union are not related to each other in such degree of consanguinity or affinity that conjugal union between them is prohibited by any custom or usage of the community to which they belong or either of them belongs; and

(b) the union—

(i) was openly solemnized in accordance with the customary ceremonies, if any, prevailing in the community to which the parties belong or either of them belongs, before the date on which this Act comes into force and is subsisting on such date; or

(ii) is so solemnized in accordance with such ceremonies on or after the date on which this Act comes into force and, where either or both the parties are minors, with the consent of the guardian or guardians of such minor or minors; or

(iii) was registered as a marriage under the Malabar Marriage Act, 1896, before the date on which this Act comes into force and is subsisting on such date. Madras Act
IV of 1896

(2) A conjugal union between minors or between a minor and a major which would otherwise be a valid marriage under sub-section (1) shall not be deemed to be invalid merely on the ground that the consent of the guardians or guardian of such minors or minor was not obtained to the union.

(3) Notice of every marriage contracted on or after the date on which this Act comes into force shall be given by such person, to such authority, in such form and within such time as may be prescribed. Failure to give such notice shall be punishable with fine which may extend to fifty rupees but such failure shall not invalidate the marriage or affect the legal rights of the parties to or the issue of, such marriage.

Marriage during continuance of prior marriage void.

5. (1) During the continuance of a prior marriage which is valid under section 4, any marriage contracted by either of the parties thereto on or after the date on which this Act comes into force shall be void.

(2) On or after the said date, any marriage contracted by a male with a marumakkattayi female, during the continuance of a prior marriage of such male, shall be void, notwithstanding that his personal law permits of polygamy.

Dissolution of marriage.

6. A marriage valid under section 4 may be dissolved—

(a) by a registered instrument of dissolution executed by the parties thereto; or

(b) by an order of dissolution as hereinafter provided:

Provided that if either or both the parties is or are minors, the marriage shall not be dissolved until after the party has become a major or both the parties have become majors as the case may be.

7. (1) A husband or wife may present a petition for dis- Petition for dissolution.
solution of the marriage—

- (i) if the place where the marriage was contracted or the respondent has a permanent dwelling or actually and voluntarily resides or carries on business or personally works for gain, at the time the petition is presented, is situated within the local limits of the jurisdiction of the Court of a District Munsif, in such court;
- (ii) if such place is not situated within the local limits of the jurisdiction of the court of any District Munsif, in the court of the Subordinate Judge or if there is no such court, in the Court of the District Judge, within the local limits of whose jurisdiction such place is situated; and
- (iii) if such place is situated within the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Madras, in the Madras City Civil Court.

(2) The petition shall specify the place where and the date on which the marriage was contracted and if the respondent was a minor at the time of the marriage, the name and address of the guardian, if any, with whose consent the marriage was contracted.

8. A copy of such petition shall be served at the expense Service of copy of petition on respondent.
of the petitioner on the respondent.

9. On the motion of the petitioner made not earlier than six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the court shall, on being satisfied after such inquiry as it thinks fit that a marriage which is valid under section 4 was contracted between the parties, by order in writing declare the marriage dissolved. The dissolution shall take effect from the date of such order. Order of dissolution.

V of 1908.

10. The provisions in the Code of Civil Procedure, 1908, shall, so far as may be, apply to petitions under this Chapter. Application of the Code of Civil Procedure, 1908, to petitions.

11. No Court shall entertain a suit for restitution of conjugal rights between the parties to a marriage valid under section 4. Bar of suit for restitution of conjugal rights.

12. Nothing contained in this Chapter shall apply to the marriage of any Nambudri woman following the Marumakkattayam law of inheritance. Chapter not to apply to marriages of Nambudri women.

CHAPTER III.

MAINTENANCE AND GUARDIANSHIP.

Maintenance
of wife and
minor
children.

13. (1) The wife and minor children other than married minor daughters under the guardianship of their husbands, shall be entitled to be maintained by the husband or the father, as the case may be:

Provided that the wife shall not be entitled to maintenance from the husband if she refuses to live with him without just cause.

(2) Nothing contained in sub-section (1) shall affect the right of any person to maintenance from his or her tarwad or tavazhi properties.

(3) In awarding maintenance under sub-section (1) the Court shall have due regard to the means and circumstances of the person against and by whom maintenance is claimed and to the reasonable wants of the person claiming maintenance.

Guardian-
ship of
minor wife
and
children.

14. The husband shall be the guardian of his minor wife in respect of her person and property and, subject to the provisions of section 15, the father shall be the guardian of his minor children, other than married minor daughters under the guardianship of their husbands, in respect of their person and property:

Provided that such guardianship shall not extend to the right and interest of the wife or children in respect of their tarwad or tavazhi properties:

Provided further that nothing contained in this section shall apply to a female member of any of the tarwads included in the Schedule or her children, where such female member resides in her own tarwad house and not with her husband.

Guardian-
ship of
minor
children by
husband
deceased or
divorced.

15. The mother shall be the guardian of the person and property of her minor children if their father is dead or the marriage of their parents is dissolved.

Saving
of the
operation
of the
Guardians
and Wards
Act, 1890.

16. Nothing contained in sections 14 and 15 shall be deemed to affect the operation of the Guardians and Wards Act, 1890. VIII of 1890.

CHAPTER IV.

INTESTATE SUCCESSION.

Property
as to
which a
person is
considered
to have
died
intestate.

17. A person is deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

Illustrations.

- (i) *A* has left no will. He has died intestate in respect of the whole of his property.
- (ii) *A* has left a will whereby he has appointed *B* his executor but the will contains no other provisions. *A* has died intestate in respect of the distribution of his property.
- (iii) *A* has bequeathed his whole property for an illegal purpose. *A* has died intestate in respect of the distribution of his property.
- (iv) *A* bequeathed Rs. 1,000 to *B* and Rs. 1,000 to the eldest son of *C* and made no other bequest and died leaving Rs. 2,000. *C* died before *A* without ever having had a son. *A* has died intestate in respect of the distribution of Rs. 1,000.

18. On the death intestate of a marumakkattayi male, his property, which is self-acquired or separate, shall devolve in the order and according to the rules contained in sections 19, 20, 21, 22, 23 and 24.

Devolution
of property
left by
marumak-
kattayi
male
intestate.

19. Where the intestate has left surviving him a child or children or a lineal descendant or descendants in the female line through a deceased daughter or daughters, or both, and also his mother or a widow or widows or both his mother and a widow or widows, the whole of the property shall belong to them. In the absence of the mother and widow, the whole of the property shall belong to the child or children and such lineal descendant or descendants; and in the absence of the mother, widow and child, the whole of the property shall belong to such lineal descendant or descendants.

Where
intestate has
left mother,
widow,
children and
lineal
descendants.

20. The distribution of the property among the heirs referred to in section 19 shall be made in accordance with the following rules:—

Rules of
distribution
in cases
falling
under
section 19.

- (i) The widow or, if there is more than one widow, each of the widows, shall be entitled to a share equal to that of a child.
- (ii) The mother shall be entitled to a share equal to that of a child.
- (iii) Every child (son or daughter) shall be entitled to an equal share:

Provided that if a daughter has pre-deceased the intestate, the lineal descendants of such daughter in the female line, shall be entitled to the share which such daughter would have taken had she survived the intestate.

- (iv) Grandchildren by a deceased daughter, shall be entitled in equal shares to what their mother would have taken had she survived the intestate:

Provided that if a granddaughter has pre-deceased the intestate, the lineal descendants of such granddaughter in the female line, shall be entitled to the share which such granddaughter would have taken had she survived the intestate.

- (v) In like manner the property shall go to the surviving lineal descendants of the intestate in the female line where such descendants are in the degree of great-grandchildren or in a more remote degree.

Explanation I.—The descendants of a daughter, daughter's daughter or other female descendant in the female line, shall not be entitled to any share in such property if such daughter, daughter's daughter or other descendant is alive at the time of the death of the intestate.

Explanation II.—The descendants of a son who has pre-deceased the intestate shall not be entitled to any share in such property.

Illustrations.

- (1) *Z* dies intestate leaving two widows *A* and *B*, his mother *C*, a son *D*, a daughter *E*, a granddaughter *F* by such daughter, the lineal descendants of a deceased daughter *G* and the lineal descendants of a deceased son *H*. *A*, *B*, *C*, *D* and *E* each gets one-sixth and the lineal descendants of *G* get one-sixth of the property. The granddaughter *F* and the lineal descendants of *H* do not get any share.
- (2) *Z* dies intestate leaving no widow or mother, but leaving *A* a son, *B* a daughter, *E* and *F* a grandson and a granddaughter by a deceased daughter *C*, and a granddaughter *G* by a deceased daughter *D* and two great-granddaughters *H* and *J* by a deceased daughter of *D*. *A* and *B* will each be entitled to one-fourth of *Z*'s property, *E* and *F* will each be entitled to one-eighth, *G* will be entitled to one-eighth and *H* and *J* each to one-sixteenth.
- (3) *Z* dies intestate leaving no mother, widow or child, but leaving *three* grandchildren *A*, *B* and *C* by a daughter *X* who has pre-deceased him and *two* grandchildren *D* and *E* by a daughter *Y* who has also pre-deceased him. *A*, *B* and *C* will each be entitled to one-sixth, and *D* and *E* will each be entitled to one-fourth of *Z*'s property.

21. Where the intestate has not left surviving him any child or lineal descendant in the female line through a deceased daughter but has left his mother and a widow or widows, one-half of the property shall devolve on his mother and the other half on his widow or widows in equal shares. In the absence of a widow, the whole of the property shall belong to the mother.

Rules of distribution where intestate has left no child or lineal descendant but only mother or widow or both.

22. Where the intestate has not left surviving him his mother or any child or lineal descendant in the female line through a deceased daughter but has left a widow or widows and his mother's tavazhi, one-half of the property shall devolve on his widow or widows and the other half on his mother's tavazhi. In the absence of the mother's tavazhi's the whole of the property shall belong to the widow or widows and in the absence of a widow, the whole of the property shall belong to the mother's tavazhi.

Rules of distribution where intestate has left only widow or mother's tavazhi or both.

23. Where the intestate has not left surviving him any of the heirs mentioned in sections 19, 21 and 22 but has left his father and his maternal grandmother's tavazhi, one-half of the property shall devolve on his father and the other half on his maternal grandmother's tavazhi. In the absence of the maternal grandmother's tavazhi, the whole of the property shall belong to the father and in the absence of the father, the whole of the property shall belong to the maternal grandmother's tavazhi.

Rules of distribution where intestate has left only father and maternal grandmother's tavazhi.

24. Where the intestate has not left surviving him any of the heirs mentioned in sections 19, 21, 22 and 23, the property shall devolve on the tavazhi of his mother's maternal grandmother or on the tavazhi of a more remote female ascendant in the female line, the nearer excluding the more remote.

Rules of distribution where intestate has not left any of the heirs mentioned in sections 19, 21, 22 and 23.

25. On the death intestate of a marumakkattayi female, her property which is self-acquired or separate shall devolve in the order and according to the rules contained in sections 26, 27, 28 and 29.

Devolution of property left by marumakkattayi female intestate.

26. Where the intestate has left surviving her, children or lineal descendants in the female line through deceased daughters or both, the whole of the property shall belong to them.

Rules of distribution where intestate has left children and lineal descendants.

The provisions of clauses (iii), (iv) and (v) of section 20 and of Explanations I and II to that section shall apply to the distribution of the property among the children and lineal descendants of the intestate.

Rules of distribution where intestate has not left any child or lineal descendant.

27. Where the intestate has not left surviving her any child or lineal descendant in the female line through a deceased daughter, the whole of the property shall devolve on her mother's tavazhi.

Rules of distribution where intestate has not left any of the heirs mentioned in sections 26 and 27, but has left husband and maternal grandmother's tavazhi.

28. Where the intestate has not left surviving her any of the heirs mentioned in sections 26 and 27 but has left her husband and her maternal grandmother's tavazhi, one-half of the property shall devolve on her husband and the other half on her maternal grandmother's tavazhi. In the absence of the maternal grandmother's tavazhi, the whole of the property shall belong to the husband, and in the absence of the husband, the whole of the property shall belong to the maternal grandmother's tavazhi.

Rules of distribution where intestate has not left any of the heirs mentioned in sections 26, 27 and 28.

29. Where the intestate has not left surviving her any of the heirs mentioned in sections 26, 27 and 28, the property shall devolve on the tavazhi of her mother's maternal grandmother or on the tavazhi of a more remote female ascendant in the female line, the nearer excluding the more remote.

Devolution of property left by non-marumakkattayi male intestate.

30. (1) On the death intestate of a male not being a marumakkattayi

(i) who—

(a) has, before the date on which this Act comes into force, contracted a marriage with a marumakkattayi female which is valid under section 4; or

(b) has contracted on or after such date a marriage with a marumakkattayi female which is valid under that section; and

(ii) who has left surviving him by such marriage or marriages one or more of the following relations, namely:—

(a) a widow or widows,

(b) children,

(c) lineal descendants in the female line through deceased daughters,

such relation or relations shall be entitled, if the intestate has also left relations who are heirs according to the personal law by which he is governed, to one-half of his property which is separate or self-acquired and if the intestate has left no such heirs, to the whole of such property:

Provided that the reasonable funeral expenses of the intestate shall first be deducted from such separate or self-acquired property.

(2) The property devolving on the relations referred to in sub-clauses (a), (b) and (c) of clause (ii) of sub-section (1) shall be distributed among them in accordance with the rules contained in clauses (i), (iii), (iv) and (v) of section 20 and Explanations I and II to that section.

31. (1) The senior major male member among the children and other lineal descendants through deceased daughters of the intestate or in the absence of any such male member, the widow, or if there is more than one widow, the senior among such widows, shall be entitled to possession and management of the property referred to in sections 19, 21, 22 and 26 until division is effected.

Possession
and
management
of property
until
division.

(2) In the case of the property referred to in section 30, if the intestate has left relations who are heirs according to the personal law by which he is governed, such heirs shall be entitled to possession and management of the property until division is effected.

(3) The karnavan of the tavazhi mentioned in sections 23, 24, 27, 28 and 29 shall be entitled to possession and management of the property referred to therein until division is effected.

CHAPTER V.

TARWAD AND ITS MANAGEMENT.

32. The karnavan shall keep true and correct accounts of the income and expenditure of the tarwad. The accounts of each year shall be available for inspection at the tarwad house by the major anandravans once in a year throughout the month of Kanni following such year and any such anandravan may take copies of or extracts from such accounts.

Duty of
karnavan
to keep
accounts.

33. (1) Except for consideration and for tarwad necessity or benefit and with the written consent of the majority of the major members of the tarwad, no karnavan shall sell immovable property of the tarwad or mortgage with possession or lease such property for a period exceeding twelve years.

Alienation of
immovable
property by
karnavan.

(2) No mortgage with possession or lease with premium returnable wholly or in part, of any such property executed by a karnavan for a period not exceeding twelve years, shall be valid unless such mortgage or lease is for consideration and for tarwad necessity or benefit.

(3) Nothing contained in this section shall be deemed to restrict the power of the karnavan to grant, in the usual course of management, for a period not exceeding twelve years, any lease without premium returnable wholly or in part, or the renewal of an existing kanon.

Debt contracted by karnavan when binding on tarwad. **34.** No debt contracted or mortgage without possession executed by a karnavan shall bind the tarwad unless the debt is contracted or the mortgage is executed, for tarwad necessity.

Maintenance of members of tarwad. **35.** Every member of a tarwad, whether living in the tarwad house or not, shall be entitled to maintenance consistent with the income and the circumstances of the tarwad.

Relinquishment of karnavan-ship. **36.** Any karnavan may by a registered document give up his rights as karnavan.

Application of chapter to tavazhis. **37.** The provisions of this Chapter shall apply to every tavazhi possessing separate properties as if it were a tarwad.

CHAPTER VI.

PARTITION.

38. (1) Any tavazhi represented by the majority of its major members may claim to take its share of all the properties of the tarwad over which it has power of disposal and separate from the tarwad:

Right of tavazhi to claim partition.

Provided that no tavazhi shall claim to be divided from the tarwad during the lifetime of an ancestress common to such tavazhi and to any other tavazhi or tavazhis of the tarwad, except with the consent of such ancestress, if she is a member of the tarwad.

(2) The share obtained by the tavazhi shall be taken by it with the incidents of tarwad property.

Explanation.—For the purposes of this Chapter, a male member of a tarwad or a female member thereof without any living child or descendant in the female line, shall be deemed to be a tavazhi if he or she has no living female ascendant who is a member of the tarwad.

Partition on change of religion.

39. Notwithstanding anything contained in section 38, any member of a tarwad who has changed his or her religion may claim or be compelled by any other member of the tarwad, to take his or her share of all the tarwad properties over which it has power of disposal and separate from the tarwad.

Ascertainment of shares at partition.

40. (1) In the case referred to in section 38, the tavazhi shall be entitled to such share of the tarwad properties as would fall to the tavazhi if a division *per capita* were made among all the members of the tarwad then living.

(2) In the case referred to in section 39, the member who claims or is compelled to divide from the tarwad, shall be entitled to such share of the tarwad properties as would fall to such member if a division *per capita* were made among all the members of the tarwad then living.

41. The provisions of this Chapter shall apply to every Application of chapter to tavazhis.
 tavazhi possessing separate properties as if it were a tarwad.

CHAPTER VII.

IMPARTIBLE TARWADS.

42. (1) Every tarwad included in the Schedule shall be Certain tarwads to be impartible unless registered as partible.
 an impartible tarwad and the provisions of Chapter VI shall not apply to such tarwad unless and until it is registered as a partible tarwad.

(2) Not less than two-thirds of the major members of a tarwad referred to in sub-section (1) may at any time present a petition to the Collector for the registration of the tarwad as partible.

(3) Such petition shall be in such form and contain such particulars as may be prescribed.

(4) If, after giving notice to all the major members of the tarwad and making such inquiry as he deems fit, the Collector is satisfied that not less than two-thirds of the major members of the tarwad have signed the petition with their free consent and desire the registration of the tarwad as partible, he shall register the tarwad as partible.

(5) On such registration, the provisions of Chapter VI shall apply to such tarwad.

43. (1) Not less than two-thirds of the major members Registration of tarwads as impartible.
 of a tarwad may, at any time, present a petition to the Collector for the registration of the tarwad as impartible.

(2) Such petition shall be in such form and contain such particulars as may be prescribed.

(3) If, after giving notice to all the major members of the tarwad and making such inquiry as he deems fit, the Collector is satisfied that not less than two-thirds of the major members of the tarwad have signed the petition with their free consent and desire the registration of the tarwad as impartible, he shall register the tarwad as impartible.

(4) On such registration, the provisions of Chapter VI shall not apply to such tarwad unless and until the registration is cancelled under section 44.

44. (1) Not less than two-thirds of the major members Cancellation of such registration.
 of a tarwad registered as impartible under section 43 may at any time present a petition to the Collector for the cancellation of such registration.

(2) Such petition shall be in such form and contain such particulars as may be prescribed.

(3) If, after giving notice to all the major members of the tarwad and making such inquiry as he deems fit, the Collector is satisfied that not less than two-thirds of the major members of the tarwad have signed the petition with their free consent and desire the cancellation of the registration, he shall cancel such registration.

Powers of
Collector
to take
evidence on
oath, etc.

45. The Collector shall, for the purposes of this Chapter, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses,

and any proceeding before the Collector under this Chapter shall be deemed to be a judicial proceeding.

Collector's
order to be
final.

46. The order of the Collector registering a tarwad as partible under section 42 or registering a tarwad as impartible under section 43 or cancelling such registration under section 44, shall be final and shall not be questioned in any civil court.

Maintenance
of register
by Collector.

47. The Collector shall keep a register of all petitions presented to him under sections 42, 43 and 44 and of all orders passed by him on such petitions and shall, at all reasonable times, allow search to be made in such register and shall, on payment of the prescribed fee, give a copy, certified under his hand, of any entry therein.

CHAPTER VIII.

MISCELLANEOUS.

Construction
of bequests,
gifts, etc.,
to wife or
wife and
children.

48. Where a person bequeaths or makes a gift of any property to, or purchases any property in the name of, his wife alone or his wife and one or more of his children by such wife together, such property shall, unless a contrary intention appears from the will or deed of gift or purchase or from the conduct of the parties, be taken as tavazhi property by the wife, her sons and daughters by such person and the lineal descendants of such daughters in the female line:

Provided that in the event of partition of the property taking place under Chapter VI, the property shall be divided on the stirpital principle, the wife being entitled to a share equal to that of a son or daughter.

Rules.

49. (1) The Local Government may make rules consistent with this Act to carry into effect the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed; and

(b) the procedure to be followed in respect of applications under Chapter VII.

(3) All rules made under this section shall be published in the *Fort St. George Gazette* and on such publication shall have effect as if enacted in this Act.

50. Nothing contained in this Act shall—

Savings.

(a) be deemed to confer any rights on the parties to or the issue of any marriage which is dissolved before this Act comes into force, or

(b) be deemed to affect any rule of Marumakkattayam law, custom or usage, except to the extent expressly laid down in this Act.

SCHEDULE.

[See the second proviso to section 14 and sub-section (1) of section 42.]

List of Impartible Tarwads.

1. The Zamorin's family consisting of—

(a) Puthia Kovilakom situate in Thiruvanoor, Calicut taluk,

(b) Patinhare Kovilakom situate in Mankav, Calicut taluk. and

(c) Kizhake Kovilakom situate at Kottakal, Ernad taluk.

2. The Chirakal Kovilakom near Cannanore.

3. The Nilambur Kovilakom in Nilambur amsam, Ernad taluk.

4. The Kizhake Kovilakom of the Kottayam Raja's family, Kottayam taluk.

5. The Thekke Kovilakom of the Kottayam Raja's family, Kottayam taluk.

6. The Patinhare Kovilakom of Kottayam Raja's family in Kottayam taluk.

7. Ayancheri Kovilakom in Purameri amsam, Kurumbranad taluk.

8. The Edavalath Kovilakom in Purameri amsam, Kurumbranad taluk.

9. The Ayiranazhi Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.

10. The Kadannamana Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.

11. The Mankada Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.

12. The Aripura Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.

13. The tarwad from which the Kuthiravattath Nair attains stanom, situate in Pulapatta amsam, Walluvanad taluk.

14. The tarwad from which the Punnathur Raja attains stanom, situate in Kottapadi amsam, Ponnani taluk.

15. The Venganad Kovilakom of the Venganad or of Kollengode Valia Nambidi.

16. The Mayapadi Raja's family of Kasaragod taluk.

17. The Neleswar Raja's family of Kasaragod taluk.

MADRAS ACT No. XXIII OF 1933. ¹

[THE MADRAS LOCAL BOARDS (FOURTH AMENDMENT)
 ACT, 1933.]

[31st October, 1933.]

An Act further to amend the Madras Local Boards Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purpose hereinafter appearing: ^{Madras Act XIV of 1920.}

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Local Boards (Fourth Amendment) Act, 1933.

Insertion of new section 126-A in Madras Act XIV of 1920.

2. After section 126 of the Madras Local Boards Act, 1920, (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

[*Vide p. 1339.*]

Amendment of Schedule VIII to Madras Act XIV of 1920.

3. In Schedule VIII to the said Act, after the items relating to section 125, the following item shall be inserted, namely:—

[*Vide p. 1414*]

MADRAS ACT No. XXIV OF 1933. ²

[THE MADRAS WILD ELEPHANTS' PRESERVATION
 (AMENDMENT) ACT, 1933.]

[7th November, 1933.]

An Act to amend the Madras Wild Elephants' Preservation Act, 1873, for certain purposes.

WHEREAS it is expedient to amend the Madras Wild Elephants' Preservation Act, 1873, for the purposes hereinafter appearing; ^{Madras Act I of 1873.}

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 18th July 1933—Part IV, page 132.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 11th April 1933—Part IV, pages 44-45.

1933: Mad. Act XXIV.] *Wild Elephants' Preservation* 2015
 1933: Mad. Act XXV.] *District Municipalities and
 Local Boards*

It is hereby enacted as follows:—

1. This Act may be called the Madras Wild Elephants' Short title.
 Preservation (Amendment) Act, 1933.

Madras Act I
 of 1873.

2. In section 3 of the Madras Wild Elephants' Preserva- Amendment
 tion Act, 1873 (hereinafter referred to as the said Act), for of section 3,
 the words "Whoever shoots at or intentionally destroys, or Madras Act
 abets, within the meaning of the Indian Penal Code, the I of 1873.
 shooting at, or destruction of" the following words shall be
 substituted, namely:—

[*Vide p. 325.*]

3. After section 3 of the said Act the following section Insertion of
 shall be inserted, namely:— new section
 3-A in
 Madras Act
 I of 1873.

[*Vide p. 326.*]

4. In section 4 of the said Act for the words "or abets Amendment
 within the meaning of the Indian Penal Code, the shooting of section 4,
 at, or destruction of" the following shall be substituted:— Madras Act
 I of 1873.

[*Vide p. 326.*]

MADRAS ACT No. XXV OF 1933. ¹

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS
 (AMENDMENT) ACT, 1933.]

[*14th November, 1933.*]

An Act further to amend the Madras District Muni-
 cipalities Act, 1920, and the Madras Local Boards
 Act, 1920, for certain purposes.

Madras Act
 V of 1920.
 Madras Act
 XIV of
 1920

WHEREAS it is expedient further to amend the Madras District
 Municipalities Act, 1920, and the Madras Local Boards Act,
 1920, for the purposes hereinafter appearing; it is hereby
 enacted as follows:—

1. (1) This Act may be called the Madras District Muni- Short title
 cipalities and Local Boards (Amendment) Act, 1933. and com-
 mencement.

(2) It shall come into force on such date as the Local
 Government may, by notification in the *Fort St. George*
Gazette, appoint.

2. In section 174-A of the Madras District Municipalities Amendment
 Act, 1920— of section
 174-A,
 Madras Act
 V of 1920.

(i) sub-section (5) shall be omitted and sub-section (4)
 shall be renumbered as sub-section (5); and

(ii) for sub-sections (2) and (3), the following sub-
 sections shall be substituted, namely:—

[*Vide pp. 1082–1083.*]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
 dated 17th November 1931—Part IV, pages 272–273.

3. In section 166 of the Madras Local Boards Act, 1920—

- (i) sub-section (6) shall be omitted and sub-section (5) shall be renumbered as sub-section (7); and
- (ii) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—
[*Vide pp. 1351-1353.*]

[THE MADRAS FOREST (AMENDMENT) ACT, 1933.]

An Act further to amend the Madras Forest Act, 1882,
for a certain purposes.

Madras Act
V of 1882.

It is hereby enacted as follows:—

1. This Act may be called the Madras Forest (Amendment) Act, 1933.

2. In section 66 of the Madras Forest Act, 1882, after the words "expenses incurred in the execution of this Act in respect of timber or forest-produce," the words "or under any contract relating to timber or forest-produce, including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest-produce by auction or by invitation of tenders, issued by or under the authority of a District Forest officer," shall be inserted.

Madras Act V
of 1882.

[THE MADRAS LOCAL BOARDS AND ELEMENTARY EDUCATION
(AMENDMENT) ACT, 1934.]

An Act to amend the Madras Local Boards Act, 1920,
and the Madras Elementary Education Act, 1920,
for certain purposes.

WHEREAS it is expedient to amend the Madras Local Boards Act, 1920, and the Madras Elementary Education Act, 1920,

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 17th October 1933—Part IV, page 204.

² For Statement of Objects and Reasons see *Port St. George Gazette Extraordinary*, dated 18th January 1934, page 20.

for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Local Boards and Elementary Education (Amendment) Act, 1934. Short title and commencement.

(2) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In section 3 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act)— Amendment of section 3, Madras Act XIV of 1920.

(i) in clause (11), the words “ taluk board ” shall be omitted;

(ii) in clause (12), the words “ taluk fund ” shall be omitted; and

(iii) clauses (21-A) and (21-B) shall be omitted.

3. In Chapter II of the said Act, in the heading at the commencement, the word “ Taluks ” shall be omitted. Amendment of the heading in Chapter II, Madras Act XIV of 1920.

4. Section 4 of the said Act shall be omitted. Repeal of section 4, Madras Act XIV of 1920.

5. In section 6 of the said Act—

(i) in sub-section (1), the words “ for each taluk, a taluk board ” shall be omitted; Amendment of section 6, Madras Act XIV of 1920.

(ii) in the first proviso to sub-section (2), for the words “ taluk board ” wherever they occur, the word “ panchayat ” shall be substituted;

(iii) the second proviso to the same sub-section shall be omitted; and

(iv) in sub-section (3), the words “ or revenue taluk,” the word “ taluk ” and the figure “ 4 ” shall be omitted.

6. In section 7 of the said Act, the item relating to “ Taluk boards ” shall be omitted. Amendment of section 7, Madras Act XIV of 1920.

7. In section 9 of the said Act—

(i) sub-section (2) shall be omitted and sub-sections (3) to (7) shall be renumbered (2) to (6) respectively; Amendment of section 9, Madras Act XIV of 1920.

(ii) in sub-section (3) as so renumbered, for the word and figures “ (2) or (3),” the word and figure “ or (2) ” shall be substituted;

- (iii) in sub-section (4) as so renumbered, the words, figures and letters “ or in any taluk board for any of the communities mentioned in clauses (a) to (c) of sub-section (2) ” and the words “ or taluk as the case may be ” shall be omitted; and
- (iv) in sub-section (6) as so renumbered, for the words and figures “ sub-sections (1) to (3), ” the words and figures “ sub-sections (1) and (2) ” shall be substituted.

Amendment
of section
22-A,
Madras Act
XIV of
1920.

8. In section 22-A of the said Act—

- (i) in clause (b) of sub-section (2), the words “ taluk board or ” in both the places where they occur shall be omitted and for the words “ a member of the taluk board appointed by the president of the district board or a member of the panchayat appointed by the president of the taluk board as the case may be, ” the words “ a member of the panchayat appointed by the president of the district board ” shall be substituted;
- (ii) in sub-section (3), the words “ and taluk ” shall be omitted; and
- (iii) in sub-section (4), the words “ taluk board or ” in both the places where they occur and the words “ as the case may be ” shall be omitted.

Amendment
of section
23, Madras
Act XIV of
1920.

9. In section 23 of the said Act—

- (i) in clause (iii) of the proviso to sub-section (3) the words “ taluk board or ” and the words “ or of the taluk board, as the case may be, ” shall be omitted; and
- (ii) in sub-section (4), the words “ taluk board or ” shall be omitted.

Amendment
of section
27, Madras
Act XIV of
1920.

10. In clause (b) of sub-section (2) of section 27 of the said Act, the words “ taluk board or ” shall be omitted.

Insertion of
new section
27-A in
Madras Act
XIV of
1920.

11. After section 27 of the said Act, the following section shall be inserted, namely:—

[*Vide pp. 1285–1287.*]

Amendment
of section
28, Madras
Act XIV of
1920.

12. In section 28 of the said Act—

- (i) in clause (a) of sub-section (1), for the words “ A local board may, ” the words, figures and letter “ Subject to the provisions of section 27-A, a local board may ” shall be substituted; and
- (ii) sub-section (4) shall be omitted.

13. After section 28 of the said Act, the following section shall be inserted, namely:—
[*Vide p. 1287.*]
14. In clause (e) of section 31 of the said Act, after the word “committees,” the words “other than standing committees” shall be added.
15. (1) In sub-section (1) of section 34 of the said Act, for the words “committee thereof,” the words “standing or other committee thereof” shall be substituted.
(2) In the Explanation to the same section, for the word “committee” the words “standing or other committee” shall be substituted.
16. In section 35 of the said Act, for the words “committee thereof” the words “standing or other committee thereof” shall be substituted.
17. In section 36 of the said Act—
(i) in sub-section (1), for the words “taluk board,” the words “district board,” shall be substituted;
(ii) sub-section (2) shall be omitted and sub-sections (3) to (6) shall be renumbered (2) to (5) respectively; and
(iii) in sub-section (2) as so renumbered, the words “taluk boards and” shall be omitted.
18. In section 37-D of the said Act, for clauses (a) and (b), the following shall be substituted, namely:—
[*Vide p. 1292.*]
19. In section 42 of the said Act—
(i) for clauses (a) and (b), the following shall be substituted, namely:—
[*Vide p. 1294.*]
(ii) in the proviso, the words “or taluk” shall be omitted.
20. In section 44 of the said Act—
(i) in sub-section (1), the words “or of a taluk board” shall be omitted;
(ii) for clauses (a) and (b) of sub-section (2), the words “to the District Collector” shall be substituted;
(iii) in sub-section (3) the words “or the Revenue Divisional Officer, as the case may be” shall be omitted;

Insertion of new section 29 in Madras Act XIV of 1920.

Amendment of section 31, Madras Act XIV of 1920.

Amendment of section 34, Madras Act XIV of 1920.

Amendment of section 35, Madras Act XIV of 1920.

Amendment of section 36, Madras Act XIV of 1920.

Amendment of section 37-D, Madras Act XIV of 1920.

Amendment of section 42, Madras Act XIV of 1920.

Amendment of section 44, Madras Act XIV of 1920.

(iv) in sub-section (4), the words " or the Revenue Divisional Officer, as the case may be " in both the places where they occur and the words " or the Revenue Divisional Officer " occurring before the words " is not present " shall be omitted; and

(v) in sub-section (5), the words " or the Revenue Divisional Officer, as the case may be " shall be omitted.

Amendment
of section
45, Madras
Act XIV of
1920.

21. In sub-section (1-A) of section 45 of the said Act, for the words " and to the district board in the case of a taluk board and to the district and taluk boards in the case of a panchayat " the words " and to the district board in the case of a panchayat " shall be substituted.

Amendment
of section
46, Madras
Act XIV of
1920.

22. In sub-section (2) of section 46 of the said Act, the words " or taluk " shall be omitted.

Repeal of
section 48,
Madras Act
XIV of
1920.

23. Section 48 of the said Act shall be omitted.

Amendment
of section
49, Madras
Act XIV of
1920.

24. In clause (b) of sub-section (1) of section 49 of the said Act, for the word and figure " sub-section (3), " the word and figure " sub-section (2) " shall be substituted.

Amendment
of section
51, Madras
Act XIV of
1920.

25. In sub-section (3) of section 51 of the said Act, the words " or taluk " shall be omitted.

Amendment
of section
52, Madras
Act XIV of
1920.

26. In clause (d) of section 52 of the said Act, the words " or taluk " wherever they occur shall be omitted.

Amendment
of section
56, Madras
Act XIV
of 1920.

27. In sub-section (1) of section 56 of the said Act in sub-clause (i) of clause (g), the words " or taluk " wherever they occur and the words " as the case may be " shall be omitted.

Amendment
of section
60, Madras
Act XIV of
1920.

28. In sub-section (1) of section 60 of the said Act—

(i) at the end of clause (a), the word " and " shall be added;

(ii) clause (b) shall be omitted and clause (c) shall be relettered (b); and

(iii) in clause (b) as so relettered, for the words " either as district or as taluk roads, " the words " as district roads " shall be substituted.

Amendment
of section
65, Madras
Act XIV of
1920.

29. In section 65 of the said Act, the words " or taluk " in both the places where they occur shall be omitted.

30. In section 67 of the said Act, after sub-section (2), the following sub-section shall be added, namely:—
[*Vide p. 1310.*]
31. In section 68 of the said Act—
(i) to sub-section (3), the following proviso shall be added, namely:—
[*Vide p. 1310.*]
and
(ii) in sub-section (4), after the words “sanctioned strength of the board,” the words “or in the case of an officer appointed for two or more district boards, if the removal is recommended by a resolution of each of the district boards, passed at a meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength thereof” shall be added.
32. After section 69 of the said Act, the following sections shall be inserted, namely:—
[*Vide p. 1311.*]
33. In section 70 of the said Act, for the words “any rules which the Local Government may have made in this behalf”, the words and brackets “any rules (including rules for the representation of different communities) which the Local Government may have made in this behalf” shall be substituted.
34. In sub-section (1) of section 71 of the said Act, in the opening paragraph, the words “taluk boards and” shall be omitted.
35. In sub-section (2) of section 73 of the said Act, the words “taluk board or” in both the places where they occur, and the words “as the case may be” shall be omitted.
36. After section 73-A of the said Act, the following section shall be inserted, namely:—
[*Vide p. 1314.*]
37. In section 114 of the said Act, the words “for each taluk a taluk fund” shall be omitted.
38. Section 114-A of the said Act shall be omitted.

Amendment of section 67, Madras Act XIV of 1920.

Amendment of section 68, Madras Act XIV of 1920.

Insertion of new sections 69-A and 69-B in Madras Act XIV of 1920.

Amendment of section 70, Madras Act XIV of 1920.

Amendment of section 71, Madras Act XIV of 1920.

Amendment of section 73, Madras Act XIV of 1920.

Insertion of new section 73-B in Madras Act XIV of 1920.

Amendment of section 114, Madras Act XIV of 1920.

Repeal of section 114-A, Madras Act XIV of 1920.

- Amendment of section 115, Madras Act XIV of 1920. 39. In section 115 of the said Act, the word "taluk" shall be omitted.
- Amendment of section 116, Madras Act XIV of 1920. 40. In sub-section (3) of section 116 of the said Act, the words "budget of a taluk board and the," the words "and the taluk board respectively" and the words "or the taluk board as the case may be" shall be omitted.
- Amendment of sections 117 and 118, Madras Act XIV of 1920. 41. In sub-section (1) of section 117 and in section 118 of the said Act, the words "taluk boards and" shall be omitted.
- Amendment of section 128, Madras Act XIV of 1920. 42. In section 128 of the said Act, for the word "taluk" wherever it occurs, the word "district" shall be substituted.
- Amendment of sections 137, 138 and 139, Madras Act XIV of 1920. 43. In sections 137, 138 and 139 of the said Act, for the words "taluk board" the words "district board" shall be substituted.
- Amendment of sections 183-A, 183-B and 190, Madras Act XIV of 1920. 44. In sections 183-A, 183-B and 190 of the said Act, for the word "taluk" wherever it occurs, the word "district" shall be substituted.
- Amendment of section 199, Madras Act XIV of 1920. 45. In sub-section (2) of section 199 of the said Act—
(i) in the first proviso to clause (b), the words "or a taluk" shall be omitted; and
(ii) after clause (f), the following clause shall be inserted, namely:—
[*Vide p. 1366.*]
- Amendment of section 203-A, Madras Act XIV of 1920. 46. In section 203-A of the said Act, the words "taluk board or" wherever they occur, shall be omitted.
- Amendment of sections 204 and 205, Madras Act XIV of 1920. 47. In sections 204 and 205 of the said Act, the words "taluk board" shall be omitted.
- Amendment of section 205-A, Madras Act XIV of 1920. 48. In section 205-A of the said Act—
(i) in sub-section (1), the words "or taluk" shall be omitted; and
(ii) in sub-section (3), the words "taluk board" shall be omitted.

49. In section 240 of the said Act—

- (i) in sub-section (2), the words “ of the constitution of the revenue taluk or ” and the figure “ 4 ” shall be omitted; and
- (ii) in clause (b) of sub-section (8), the words “ taluk and taluk board ” and the figure “ 4 ” shall be omitted.

Amendment of section 240, Madras Act XIV of 1920.

50. In Schedule II to the said Act—

- (i) in rule 2, the words “ or taluk ” shall be omitted;
- (ii) in sub-rule (1) of rules 3 and 4, the words “ and taluk ” shall be omitted;
- (iii) in sub-rule (1) of rule 11, the words “ or taluk ” in both the places where they occur and the words “ as the case may be shall be omitted;
- (iv) in sub-rule (2) of the same rule, for the word “ taluk,” the word “ district ” shall be substituted;
- (v) in rule 12, for the words “ of the committees thereof ” the words “ of the standing and other committees thereof ” shall be substituted; and
- (vi) in rule 13, for the words “ every committee,” the words “ every standing or other committee ” shall be substituted.

Amendment of Schedule II, Madras Act XIV of 1920.

51. In rule 1 of Schedule III to the said Act, the words “ taluk board ” and the word “ taluk ” wherever it occurs shall be omitted.

Amendment of Schedule III, Madras Act XIV of 1920.

52. In Schedule V to the said Act—

- (i) in sub-rule 1 or rule 1-A, the words “ and taluk ” in clause (a) and the words “ or taluk ” in clause (b) shall be omitted;
- (ii) in clause (d) of the same sub-rule, for the words “ other than libraries serving the needs of an area wider than the village which are classified as district or taluk libraries,” the words “ other than libraries which are classified as district libraries ” shall be substituted;
- (iii) in clauses (k) and (l) of the same sub-rule, for the word “ taluk ” the word “ district ” shall be substituted;
- (iv) in sub-rule (2) of rule 1-A—
 - (a) in clause (a), the words “ or taluk ” shall be omitted;
 - (b) in clause (m), the word “ and ” at the end shall be omitted;

Amendment of Schedule V, Madras Act XIV of 1920.

(c) after clause (m), the following clause shall be inserted, namely:—

[*Vide p. 1406.*]

(d) in clause (n) for the expression “ rules I-B and I-C ” the expression “ rule I-B ” shall be substituted.

(v) rule 1-B shall be omitted and rules 1-C and 1-D shall be relettered 1-B and 1-C respectively;

(vi) in sub-rule (1) of rule 1-B as so relettered, after clause (c), the following clause shall be inserted, namely:—

[*Vide p. 1406.*]

(vii) for clause (h) of the same sub-rule, the following clause shall be substituted, namely:—

[*Vide p. 1407.*]

(viii) after clause (h) of the same sub-rule, the following clause shall be inserted, namely:—

[*Vide p. 1407.*]

(ix) in clause (j) of the same sub-rule, the word “ and ” at the end shall be omitted;

(x) after clause (k) of the same sub-rule, the following clauses shall be inserted, namely:—

[*Not printed. See p. 1407.*]

(xi) in sub-rule (2) of the same rule, in clause (d), for the expression “ rules 1-A and 1-B,” the expression “ rule 1-A ” shall be substituted;

(xii) in rule 2, the words “ taluk ” and “ taluk boards ” shall be omitted;

(xiii) for rule 3, the following rule shall be substituted, namely:—

[*Vide p. 1408.*]

(xiv) in rule 5, in the opening paragraph, the word “ taluk ” shall be omitted and in item (1) under the heading “ A—Village Funds,” for the words “ One-sixth of the land-cess ” the words “ One-third of the land-cess ” shall be substituted;

(xv) in items (5), (7) and (8) under the same heading, for the word “ taluk ” wherever it occurs, the word “ district ” shall be substituted;

(xvi) in item (9) under the same heading, the words “ or taluk ” shall be omitted;

(xvii) in item (11) under the same heading, for the words “ taluk board,” the words “ district board ” shall be substituted;

(xviii) in item (16) under the same heading the words " or taluk " shall be omitted;

(xix) in the same rule, the heading " B—Taluk Funds " and the items thereunder shall be omitted and for the heading " C—District Funds," the heading " B—District Funds " shall be substituted; and in item (1) under that heading, for the words " One-third of the land-cess," the words " Two-thirds of the land-cess " shall be substituted;

(xx) after item (1) under the same heading, the following item shall be inserted, namely:—

[*Vide p. 1410.*]

(xxi) after item (3) under the same heading the following item shall be inserted, namely:—

(xxii) in rule 6, the words " taluk " and " taluk boards " shall be omitted;

(xxiii) in rule 8, the words " or taluk " in both the places where they occur shall be omitted; and

(xxiv) in rule 9, the words " and taluk " shall be omitted.

53. In section 3 of the Madras Elementary Education Act, 1920 (hereinafter referred to as the same Act),—

(i) in clause (ix), for the words " taluk board," the words " district board shall be substituted; and

(ii) clause (xiv) shall be omitted.

Amendment of section 3, Madras Act VIII of 1920.

54. For sub-section (4) of section 5 of the same Act, the following sub-section shall be substituted, namely:—

[*Vide p. 1235.*]

Amendment of section 5, Madras Act VIII of 1920.

55. In clause (c) of sub-section (1) and in sub-section (2) of section 24 of the same Act, for the words " taluk board," the words " district board " shall be substituted.

Amendment of section 24, Madras Act VIII of 1920.

56. After clause (i) of section 32 of the same Act, the following clauses shall be inserted, namely:—

[*Vide p. 1244.*]

Amendment of section 32, Madras Act VIII of 1920.

57. For sections 34 and 35 of the same Act, the following sections shall be substituted, namely:—

[*Vide p. 1245.*]

Substitution of new sections for sections 34 and 35, Madras Act VIII of 1920.

58. In sub-section (2) of section 36 of the same Act, for the words " taluk board," the words " district board " shall be substituted.

Amendment of section 36, Madras Act VIII of 1920.

Amendment
of section
51, Madras
Act VIII of
1920.

59. In section 51 of the same Act, for the words " taluk board," the words " district board " shall be substituted.

Repeal of
section 55,
Madras Act
VIII of
1920.

60. Section 55 of the same Act shall be omitted.

Abolition of
taluk
boards.

61. (1) All taluk boards constituted under the Madras Local Boards Act, 1920, shall, on the commencement of this Act, be deemed to have been abolished. Madras Act
XIV of 1920.

Construction
of references
to taluk
boards and
their
presidents
in enact-
ments, etc.

(2) Any reference to a taluk board or its president contained in any enactment in force in the Presidency of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said Presidency shall, after the commencement of this Act, be construed as a reference to the district board or its president, as the case may be.

Madras Acts
XIV and
VIII of
1920, as
amended by
this Act, to
be read
subject to
the rules in
the Sched-
ule.

62. In giving effect to the provisions of the Madras Local Boards Act, 1920, and the Madras Elementary Education Act, 1920, as amended by this Act, the said provisions shall be read subject to the rules contained in the schedule. Madras Act
XIV of 1920.
Madras
Act VIII of
1920.

THE SCHEDULE.

Transitional Provisions.

1. (1) Save as provided in rule 5, all property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in or held in trust by, or for, any taluk board constituted under the Madras Local Boards Act, 1920, as well as all liabilities legally subsisting against such board shall, on and from the date of the commencement of this Act and subject to such directions as the Local Government may by general or special order give in this behalf, pass to the district board concerned.

Explanation.—All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a taluk board at the commencement of this Act may be recovered by the district board concerned.

(2) All proceedings taken by or against any taluk board and pending at the commencement of this Act may, thereafter, be continued by or against the district board concerned.

(3) Any remedy by way of application, suit or appeal available to or against a taluk board at the commencement of this Act shall, after such commencement, be available to or against the district board concerned,

2. Any action taken by a taluk board before the commencement of this Act shall, subject to such directions as the Local Government may by general or special order give in this behalf, be deemed to have been taken by the district board concerned unless and until superseded by action taken by such district board.

3. On the commencement of this Act, all moneys standing to the credit of the Village Development Fund maintained by a district board shall form part of the general funds of the district board, and all rights and liabilities attaching to such fund shall pass to the district board.

4. The land-cess levied under section 78 of the Madras Local Boards Act, 1920, for the fasli year in which this Act is brought into force shall be distributed among district boards and panchayats in such manner as the Local Government may by general or special order direct.

5. (1) All taluk roads, taluk choultries, taluk dispensaries, taluk markets, taluk fairs and taluk festivals shall, on the commencement of this Act, be deemed to have been classified under rule 3 of Schedule V to the Madras Local Boards Act, 1920, as amended by this Act, as district roads, district choultries, district dispensaries, district markets, district fairs and district festivals, respectively.

(2) All taluk libraries shall, on the commencement of this Act, vest in the panchayat concerned or where there is no panchayat, in the district board concerned.

(3) All taluk hospitals shall, on the commencement of this Act, vest in the district board concerned.

6. All presidents of taluk boards in a district holding office on the first day of February 1934 who are not members of the district board on that date shall be members of the district board concerned over and above the sanctioned strength thereof. They shall hold office as such members, subject to the provisions of sub-section (2) of section 54, and sections 56, 57 and 59 of the Madras Local Boards Act, 1920, as amended by this Act, until the other members of the district board vacate office by efflux of time.

7. ¹ [Where a notification is issued under section 3-A of the Madras Local Boards Act, 1920, splitting up a district into two or more districts with effect from a date earlier than that on which the members of the existing district board

Madras Act
XIV of 1920.

¹ The opening paragraph within square brackets was substituted for the original paragraph by section 5(i) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

would vacate office by efflux of time, the following provisions shall, unless the Local Government otherwise direct, apply until the date on which the said members would vacate office as aforesaid:—]

- (a) Section 7 of the Madras Local Boards Act, 1920, in so far as it applies to the minimum number of members of a district board shall not apply to the new district boards.
- (aa) The circles of the new districts shall, unless and until the Local Government direct otherwise by a notification under section 47 of the Madras Local Boards Act, 1920, be the circles of the old district falling within the respective areas of the new districts.
- (b) The members of each of the new district boards shall, notwithstanding anything contained in clause (g) of sub-section (1) of section 56 of the Madras Local Boards Act, 1920, be the members elected to the old district board by the circles falling within the new district, together with the presidents of taluk boards ¹ [if any] who became members of the old district board under rule 6 and who were originally elected to the taluk boards by taluk board circles falling within the new district.
- (c) If any vacancy in the office of a member of the district board existed at the time of the notification under the said section 3-A, such vacancy shall be filled by a casual election by the circle concerned.
- (cc) For the purpose of giving representation to the communities referred to in sub-section (1) of section 9 of the Madras Local Boards Act, 1920, and to women, the Local Government shall have power, notwithstanding anything contained in sub-section (4) of that section, to reserve seats in the new district boards for such communities or for women, and to nominate qualified persons for such seats.
- (d) The members of the new district boards shall, subject to the provisions of sub-section (2) of section 54, section 56, except clause (g) of sub-section (1) and sections 57 and 59 of the Madras Local Boards Act, 1920, as amended by this Act, hold office until the date on which they would have vacated their offices on the old district board by efflux of time, if the notification under the said section 3-A had not been issued.

¹ The words within square brackets were inserted by section 5 (ii) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

- (e) If any vacancy in the office of a member of the new district board occurs otherwise than by efflux of time, such vacancy shall be filled by a casual election by the circle concerned. Any person elected at such election shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.
- (f) Nothing contained in clauses (c) and (e) shall apply to any vacancy in the office of a member of the district board who became such member by virtue of rule 6 or of that rule read with clause (b) of this rule.
- (g) (i) The president of the district board holding office¹ [on the date on which the notification under the said section 3-A takes effect] shall² [with effect from such date,] be the president of the district board of which he becomes a member under clause (b).
- (ii) Where by the operation of sub-clause (i) no person becomes the president of a district board, the members of the board shall, as soon as may be³ [after the date on which the notification under the said section 3-A takes effect], meet for the election of a president on such date as may be fixed in that behalf by the Collector of the district.
- (iii) As soon as may be³ [after the date on which the notification under the said section 3-A takes effect], the members of the district board shall meet for the election of the vice-president on such date as may be fixed in that behalf by the president of the board.
- (h) The Local Government shall cause arrangements for a general election to the new district boards to be made in accordance with the notifications issued by them with respect thereto under the Madras Local Boards Act, 1920, as amended by this Act, so that the newly elected members may come into office on the date referred to in clause (d).

¹ The words, figure and letter within square brackets were substituted for the words, figure and letter "on the date of issue of the notification under the said section 3-A" by section 5 (iii) (a) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

² The words within square brackets were substituted for the words "with effect from the date of such notification" by section 5 (iii) (b) *ibid.*

³ The words, figure and letter within square brackets were substituted for the words, figure and letter "after the issue of the notification under the said section 3-A" by section 5 *ibid.*

8. When after the commencement of this Act, candidates are required for appointment to any post under a district board or panchayat, selection for appointment thereto shall, subject to such directions as may be issued by the Local Government, be restricted to persons who have been employed by taluk boards and are thrown out of such employment in consequence of the abolition of taluk boards by this Act, so long as such persons desirous of such selection are available and continue to be qualified and suitable for the post.

The Local Government may issue such general or special directions as they may think necessary for the purpose of regulating appointments under this rule and otherwise giving due effect to the provisions thereof and no appointment to any post under a district board or panchayat made in contravention of any such direction shall be deemed to have been validly made.

9. Every district educational council constituted before the commencement of this Act shall be deemed to have been constituted under the Madras Elementary Education Act, 1920, as amended by this Act.

10. (1) The number of persons who may be elected to the district educational council by the district board and by the taluk boards in the district at the commencement of this Act shall be deemed to have been prescribed as the number of persons which the district board is entitled to elect to the district educational council under sub-section (5) of section 5 of the Madras Elementary Education Act, 1920, as amended by this Act.

(2) Any vacancy in the office of any member of a district educational council elected by a taluk or district board shall, after the commencement of this Act, be filled by election by the district board.

11. The elementary education funds constituted for taluk boards in any district board area shall, on the commencement of this Act, form part of the elementary education fund constituted for the district board under the Madras Elementary Education Act, 1920, as amended by this Act.

12. Any tax levied by a taluk board under the Madras Elementary Education Act, 1920, before the commencement of this Act shall be deemed to have been levied by the district board under that Act as amended by this Act.

13. If any difficulty arises in giving effect to the provisions of these rules or of the Madras Local Boards Act, 1920, or of the Madras Elementary Education Act, 1920, as amended by this Act, the Local Government as occasion may require may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

MADRAS ACT No. III of 1934. ¹

[THE MADRAS IMPARTIBLE ESTATES (AMENDMENT)
ACT, 1934.]

[3rd April, 1934.]

An Act further to amend the Madras Impartible
Estates Act, 1904, for certain purposes.

Madras Act
II of 1904.

WHEREAS it is expedient further to amend the Madras
Impartible Estates Act, 1904, for the purposes hereinafter
appearing;

AND WHEREAS the previous sanction of the Governor-General
has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Impartible Estates Short title
(Amendment) Act, 1934, and it shall come into force on and com-
such date as the Local Government may by notification in mence-
the *Fort St. George Gazette* appoint.

Madras Act
II of 1904.

2. At the end of section 2 of the Madras Impartible Amendment
Estates Act, 1904 (hereinafter referred to as the said Act), of section 2,
the following paragraph shall be added, namely:— Madras Act
II of 1904.

[*Vide p. 585.*]

3. In section 4 of the said Act,

Amendment
of section 4,
Madras Act
II of 1904.

(1) in sub-section (2), after clause (b), the following
clause shall be added, namely:—

[*Vide p. 586.*]

(2) sub-section (3) shall be renumbered (5) and the
following shall be inserted as sub-sections (3) and
(4), namely:—

[*Vide p. 587.*]

MADRAS ACT No. IV of 1934. ²

[THE MADRAS TOWN-PLANNING (AMENDMENT) ACT, 1934.]

[24th April, 1934.]

An Act further to amend the Madras Town-Planning
Act, 1920, for certain purposes.

Madras Act
VII of 1920.

WHEREAS it is expedient further to amend the Madras
Town-Planning Act, 1920, for the purposes hereinafter
appearing;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 24th October 1933—Part IV, pages 214–215.

² For Statement of Objects and Reasons see *Fort St. George Gazette*,
dated 16th January 1934—Part IV, page 20.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Town-Planning (Amendment) Act, 1934.

Amendment of section 26, Madras Act VII of 1920. 2. In sub-section (3) of section 26 of the Madras Town-Planning Act, 1920 (hereinafter referred to as the said Act), for the words and figures “ according to the provisions of the Land Acquisition Act, 1894, as modified by Chapter VII of this Act,” the words and figures “ according to the provisions of the Land Acquisition Act, 1894, or according to those provisions as modified by sections 34 and 35, as the case may require ” shall be substituted. Madras Act VII of 1920.
I of 1894.

Amendment of section 33, Madras Act VII of 1920. 3. In section 33 of the said Act, for the words “ and may be acquired under the said Act modified in the manner provided in this chapter ” the following words, letters and brackets shall be substituted, namely—

[*Vide p. 1214.*]

Amendment of section 34, Madras Act VII of 1920. 4. In section 34 of the said Act, for the words and figures “ Notwithstanding anything in the Land Acquisition Act, 1894, a notification under section 14 shall operate,” the words, figures, letter and brackets “ In cases falling under clause (b) of section 33, a notification under section 14 shall, notwithstanding anything contained in the Land Acquisition Act, 1894, operate ” shall be substituted. I of 1894.

Amendment of section 35, Madras Act VII of 1920. 5. In section 35 of the said Act—

(i) in sub-section (1), for the words “ in the acquisition of property for the purposes of this Act,” the words, figures, letter and brackets “ in cases falling under clause (b) of section 33 ” shall be substituted;

(ii) in sub-section (2), for the words “ In determining the amount of compensation to be awarded for land acquired under the said Act for such purposes the Collector and the Court shall take into consideration,” the words “ In such cases, the Collector and the Court shall, in determining the amount of compensation to be awarded for the land acquired, take into consideration ” shall be substituted;

(iii) in sub-section (3), for the words “ But the Collector and the Court shall not,” the words, figures, letter and brackets “ But the Collector and the Court shall not, in cases falling under clause (b) of section 33 ” shall be substituted; and

(iv) in sub-section (4), for the words “ If the market value of any land,” the words, figures, letter and brackets “ In cases falling under clause (b) of section 33, if the market value of any land ” shall be substituted.

Madras Act V
of 1920.

6. In sub-section (3) of section 42 of the said Act, for the words and figures "sections 35 and 40 of the Madras District Municipalities Act, 1920," the words and figures "sections 34 and 39 of the Madras District Municipalities Act, 1920," shall be substituted.

Amendment
of section
42, Madras
Act VII of
1920.

MADRAS ACT No. V OF 1934. ¹

[THE PERIYAR IRRIGATION TANKS (PRESERVATION) ACT,
1934.]

[8th May, 1934.]

An Act to provide for the preservation in efficient condition of tanks belonging to landholders which are used as part of the Periyar system of irrigation in the Presidency of Madras.

WHEREAS it is expedient to provide for the preservation in efficient condition of tanks belonging to landholders which are used by the Government as part of the Periyar system of irrigation in the Presidency of Madras;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Periyar Irrigation Tanks (Preservation) Act, 1934. Short title.

2. It extends to the whole of the Madura district. Extent.

3. In this Act, unless there is something repugnant in the subject or context, Definitions.

(a) 'Collector' means the Collector of the Madura district;

(b) 'estate' and 'landholder' have the same meaning as in the Madras Estates Land Act, 1908; and

(c) 'tank' means any tank situated wholly or partly in an estate and used by the Government as part of the Periyar system of irrigation.

4. If any question arises as to whether any area is or forms part of a tank, it shall be decided by the Collector whose decision shall be final. Decision of
disputes.

5. Whenever it appears to the Collector that any tank is in a state of disrepair, he may pass a preliminary order specifying the measures which in his opinion are necessary for its repair and restoration to efficiency and cause plans and estimates of the cost of such measures to be prepared. The Collector shall send copies of such preliminary order, Preliminary
order for
repair of
tank and
service of
such order
on land-
holder.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 17th October 1933—Part IV, page 210.

plans and estimates to the landholder of the estate in which the tank is situated, or if the tank is situated in more than one estate, to each landholder concerned, together with a notice in writing requiring him to appear before the Collector on a date to be specified in the notice, not being less than sixty days after the date of the notice, and show cause why the said order should not be confirmed.

The Collector shall cause a vernacular translation of such order and notice, together with a description in the vernacular of such measures and of the estimated cost of carrying them out, to be affixed in some conspicuous place or places in the village or villages in which the tank or its ayacut is situated and in such other villages, if any, as he may think fit and shall cause intimation to be given of such affixture by beat of drum in the village or in each of the villages in which such affixture has been made.

Objections
before
Collector.

6. On or before the date specified in the notice—

(i) the landholder or any of the landholders concerned may appear before the Collector and raise any of the following objections, namely:—

(a) that he is not the landholder of any estate in which the tank is wholly or partly situated;

(b) that the tank does not require repair;

(c) that measures other than those proposed would be sufficient for the repair of the tank and its restoration to efficiency; and

(d) that by law, local custom or contract any of the measures proposed should be carried out wholly or in part by or at the cost of some other person or persons; and

(ii) the holder of any land irrigated by the Periyar system or any other person concerned may appear before the Collector and make such representations as he may think fit with regard to the nature of the measures proposed.

Inquiry by
Collector
and final
order.

7. On the date specified in the notice or on any subsequent date to which he may adjourn the inquiry, the Collector shall hold such inquiry as he thinks fit, and after such inquiry, if any, shall pass a final order confirming, cancelling or modifying the preliminary order, and in the last case, shall cause to be made such modifications in the plans and estimates as he may find necessary.

Provided that before modifying the preliminary order to the disadvantage of any party who has not appeared at the inquiry the Collector shall give a reasonable opportunity to such party to appear and show cause why the order should not be modified as proposed:

Provided further that in cases falling under sub-clause (d) of clause (i) of section 6, the Collector shall specify in the final order the extent to which the landholder's liability devolves on the person or persons concerned under the law, local custom or contract and the proportions, if any, in which each of such persons, if more than one, shall bear such liability.

8. (1) If the Collector confirms or modifies the preliminary order, he shall report the matter to the Local Government who may cause to be carried out the measures specified in the order as confirmed or modified by him.

Report by
Collector to
Local
Government
and order by
them.

(2) The total cost of carrying out such measures (including the charges on account of establishment and tools and plant at such percentages on the actual cost of the work done as the Local Government may from time to time prescribe) shall be divided between the Local Government and the landholder or landholders and the other persons concerned, if any, in accordance with the following provisions:—

(a) There shall first be determined the total average area on which, during the three faslis immediately preceding the fasli in which the preliminary order was passed, the Local Government have levied water-cess for the use of water issuing from the tank otherwise than through its surplus works, whether at the rate prescribed for the irrigation of dry land with Periyar water or at the rate prescribed for the irrigation of wet land in whole inam and zamindari villages with such water.

(b) Each landholder concerned shall bear such proportion of the said total cost, as one half of the average area of the lands in his estate, on which during the said three faslis the Local Government have levied water-cess for the use of water so issuing at the rate prescribed for the irrigation with Periyar water of wet lands in whole inam and zamindari villages, bears to the total average area as determined under clause (a):

Provided that in cases falling under sub-clause (d) of clause (i) of section 6, the liability of the landholder concerned shall, to the extent specified in the Collector's final order under section 7, be borne by the persons and in the proportions specified in such order.

(c) The Local Government shall bear the balance of the said total cost.

Illustrations.

(1) A tank is wholly situated in the estate of a landholder. There is no law, local custom or contract excluding the liability of the landholder. The average area on which

water-cess was levied during the three faslis immediately preceding that in which the preliminary order is passed consists of 50 acres on which water-cess was levied at the rate prescribed for the irrigation of dry lands and 30 acres on which water-cess was levied at the rate prescribed for the irrigation of wet lands in whole inam and zamindari villages. The landholder should bear $\frac{\frac{1}{2} \text{ of } 30}{30 + 50}$, i.e., $\frac{3}{16}$ of the total cost and the Government should bear the remainder, namely, $\frac{13}{16}$.

(2) The facts are the same as in Illustration (1), except that a contract is proved by which the ryots holding the wet lands are bound to bear a share of the cost in proportion to their holding. Twenty acres of the wet lands are held by the ryots and the remaining ten by the landholder. The Government have to bear $\frac{13}{16}$ of the total cost as in Illustration (1), the ryots $\frac{2}{16}$ and the landholder $\frac{1}{16}$.

(3) A tank is situated partly in the estate of landholder A and partly in that of landholder B. There is no law, local custom or contract excluding the liability of either landholder. The average area on which water-cess was levied during the three faslis immediately preceding, consists of 50 acres on which the cess was levied at the rate prescribed for dry lands, 20 acres in the estate of landholder A on which the cess was levied at the rate prescribed for wet lands in whole inam and zamindari villages, and 10 acres in the estate of landholder B on which the cess was levied at the rate prescribed for such wet lands. Landholder A will bear $\frac{\frac{1}{2} \text{ of } 20}{50 + 20 + 10}$ or $\frac{2}{16}$ of the total cost, landholder B will bear $\frac{\frac{1}{2} \text{ of } 10}{50 + 20 + 10}$ or $\frac{1}{16}$ of the total cost and the Government will bear the remainder, namely, $\frac{13}{16}$.

(4) A tank is situated in the estates of several landholders. During the three faslis immediately preceding, water-cess has been levied on the whole ayacut at the rate prescribed for the irrigation of wet lands in whole inam and zamindari villages. There is no law, local custom or contract excluding the liability of any landholder. One-half of the total cost will be borne by the Government and the other half by the several landholders in proportion to the areas lying within their respective estates on which such water-cess has been levied.

Service of notice on landholder or other person to pay amount of cost due from him.

9. After such measures as may have been ordered by the Local Government under section 8 have been carried out, the Collector shall cause to be served upon every landholder or other person concerned, a memorandum showing the total cost of carrying out the same and the portion of such cost for which he is liable under section 8, together with an order directing him to pay the said portion either in a lump sum within a specified time or in specified instalments.

10. Any amount payable by a landholder or other person under an order under section 9 shall be recoverable as an arrear of land revenue. Recovery of amount of cost.

11. (1) Any landholder aggrieved by an order under section 9 served on him may, within six months from the date on which such order was served, institute a suit in a Civil Court to have such order set aside or modified on any of the following grounds, namely:— Right of suit of landholder, etc., in certain cases.

- (a) that he is not the landholder of any estate in which the tank is wholly or partly situated; or
- (b) that by law, local custom or contract any of the measures should have been carried out by, or at the cost of, some other person; or
- (c) that the portion of the cost for which he has been made liable has been wrongly calculated:

Provided that a landholder who has been served with a preliminary order under section 5 shall not be entitled to institute a suit on the ground specified in clause (a) or clause (b), unless he has raised such ground in the proceedings before the Collector under section 6 or section 7.

(2) Any person other than a landholder aggrieved by an order under section 9 served on him may, within six months from the date on which such order was served, institute a suit in a Civil Court to have such order set aside or modified on any of the following grounds, namely:—

- (a) that he is not bound to carry out any of the measures by law, local custom or contract; or
- (b) that the portion of the cost for which he has been made liable has been wrongly calculated:

Provided that no such person shall be entitled to institute a suit on the ground specified in clause (a), unless he has raised such ground in the proceedings referred to in section 6 or section 7, having had a reasonable opportunity to do so.

12. Whenever it appears to the Collector that any tank is in such a state of disrepair as to be in imminent danger of breaching, he may by summary order cause to be carried out the measures of repair which in his opinion are necessary to prevent the tank from breaching and shall without delay inform every landholder and other person concerned of the action which he is taking. The provisions of this Act shall thereupon apply as though such repairs had been ordered to be executed by the Local Government under section 8. Procedure in case of emergency.

13. Every notice, order or other document required by this Act to be served on, or sent to, any person, shall, if practicable, be served personally on such person or, if he cannot be found, the notice, order or document may be left at his usual or last known place of abode with an adult Service of notice or other document.

member of his family or an adult servant or agent, or may be sent by registered post, or may be affixed to some conspicuous part of his usual or last known place of abode and shall thereupon be deemed to have been duly served or sent.

Powers of
entry and
inspection.

14. The Collector or any officer appointed by him in that behalf may, for the purposes of this Act, at any time, enter upon any land and inspect or cause to be inspected any tank situated therein.

MADRAS ACT No. VI OF 1934.¹

[THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT)
Act, 1934.]

[29th May, 1934.]

An Act further to amend the Madras Co-operative Societies Act, 1932, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Co-operative Societies Act, 1932, for the purpose herein-
after appearing; it is hereby enacted as follows:—

Madras Act VI
of 1932.

Short title.

1. This Act may be called “The Madras Co-operative Societies (Amendment) Act, 1934.”

Amendment
of section
43, Madras
Act VI of
1932.

2. For sub-section (2) of section 43 of the Madras Co-operative Societies Act, 1932, the following sub-section shall be substituted, namely:—

[*Vide p. 1933.*]

MADRAS ACT No. VII OF 1934.²

[THE MADRAS NURSES AND MIDWIVES (AMENDMENT)
Act, 1934.]

[5th June, 1934.]

An Act to amend the Madras Nurses and Midwives Act, 1926, for certain purposes.

WHEREAS it is expedient to amend the Madras Nurses and Midwives Act, 1926, for the purposes hereinafter appearing;

Madras Act III
of 1926.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Madras Nurses and Midwives (Amendment) Act, 1934.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* Extraordinary, dated 2nd March 1934, page 2.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 20th June 1933—Part IV, pages 128–129.

(2) Sub-clause (b) of clause (i) of section 2 shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint. The remaining provisions of this Act shall come into force at once.

Mad as Act II
of 1926.

2. In section 3 of the Madras Nurses and Midwives Act, Amendment of section 3, Madras Act III of 1923.
 1926—

(i) in sub-section (1)—

(a) clauses (b), (c), (d), (e), (f), (g) and (h) shall be re-lettered (c), (d), (e), (f), (g), (h) and (i) respectively and the following shall be inserted as clause (b), namely:—

[*Vide p. 1646.*]

(b) in clause (f) as so re-lettered, for the words “two Registered Medical Practitioners, one of whom shall be a woman,” the words “one Registered Medical Practitioner” shall be substituted;

(c) in clause (h) as so re-lettered, the words “and” at the end shall be omitted;

(d) after clause (h) as so re-lettered, the following clauses shall be inserted, namely:—

[*Vide p. 1646.*]

and

(e) the proviso shall be omitted; and

(ii) in sub-section (2); the words and figure “except members nominated under the proviso to sub-section (1) who shall hold office till the expiry of one year from the commencement of this Act” shall be omitted.

MADRAS ACT No. VIII OF 1934.

[THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934.]

[30th June, 1934.]

An Act further to amend the Madras Estates Land Act, 1908, for certain purposes.

Madras Act I
of 1908.

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, for the purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 28th July 1931—Part IV, page 179.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Estates Land (Amendment) Act, 1934.

Amendment of certain words occurring in Madras Act I of 1908.

2. In the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act) for the words 'puttah,' 'puttalis,' 'muchalka' and 'muchalkas' wherever they occur, the words 'patta,' 'pattas,' 'muchilika' and 'muchilikas' shall respectively be substituted. Madras Act I of 1908.

Amendment of certain provisions of Madras Act I of 1908.

3. (1) In the said Act—

- (a) clause (13) of section 3 shall be omitted; and
- (b) in sections 168, 169, 170, 173 and 205 and clause (9) of section 215, for the word 'Revenue-officer' wherever it occurs the word 'Collector' shall be substituted.

(2) The provisions of the said Act specified in the first two columns of the annexed Schedule are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

Amendment of section 3, Madras Act I of 1908.

4. In section 3 of the said Act—

- (1) after clause (1), the following clause shall be inserted, namely:—

[Vide p. 646.]

- (2) for sub-clause (d) of clause (2), the following sub-clause shall be substituted, namely:—

[Vide p. 647.]

- (3) clauses (6) and (7) shall be omitted;

- (4) at the end of clause (10), the following shall be added, namely:—

[Vide p. 649.]

- (5) for clause (11), the following clause shall be substituted, namely:—

[Vide p. 649.]

- (6) to clause (15) the following explanation shall be added, namely:—

[Vide p. 650.]

- (7) in clause (16) for sub-clause (a), the following sub-clause shall be substituted, namely:—

[Vide p. 650.]

Substitution of new section for section 6, Madras Act I of 1908.

5. For section 6 of the said Act, the following section shall be substituted, namely:—

[Vide p. 651.]

Insertion of new section 6-A in Madras Act I of 1908.

6. After section 6 of the said Act, the following section shall be inserted, namely:—

[Vide p. 652.]

7. For section 8 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 652.*]
8. In sub-section (2) of section 10 of the said Act, the words 'in respect of a right of occupancy and' shall be omitted.
9. For section 12 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 653.*]
10. In section 13 of the said Act—
(i) in sub-section (1), for the words "Where a ryot has a permanent right of occupancy in his holding neither the ryot nor the landholder," the words "Neither a ryot nor the landholder" shall be substituted; and
(ii) for sub-section (3), the following sub-section shall be substituted, namely:—
[*Vide p. 653.*]
11. Section 14 of the said Act shall be omitted.
12. After section 17 of the said Act, the following section shall be inserted, namely:—
[*Vide p. 654.*]
13. In section 18 of the said Act, the figures "14" shall be omitted.
14. For section 20 of the said Act, the following sections shall be substituted, namely:—
[*Vide p. 655.*]
15. In section 21 of the said Act, for the words and figures "any of the lands mentioned in section 20" the words, figures and letters "any of the lands mentioned in sub-clauses (a) and (b) of clause (16) of section 3" shall be substituted.
16. In section 22 of the said Act, for the words and figures "orders under sections 20 and 21" the words and figures "orders under section 21" shall be substituted.

Substitution of new section for section 8, Madras Act I of 1908.

Amendment of section 10, Madras Act I of 1908.

Substitution of new section for section 12, Madras Act I of 1908.

Amendment of section 13, Madras Act I of 1908.

Repeal of section 14, Madras Act I of 1908.

Insertion of new section 17-A in Madras Act I of 1908.

Amendment of section 18, Madras Act I of 1908.

Substitution of new sections 20, 20-A and 20-B for section 20, Madras Act I of 1908.

Amendment of section 21, Madras Act I of 1908.

Amendment of section 22, Madras Act I of 1908.

Repeal of
section 23,
Madras Act
I of 1908.

17. Section 23 of the said Act shall be omitted.

Amendment
of section
25, Madras
Act I of
1908.

18. In the first paragraph of section 25 of the said Act, the words 'other than old waste' shall be omitted and for the words 'Every ryot' the words 'A ryot,' for the words 'shall be bound to pay rent at a rate not exceeding' the words 'shall not, unless otherwise provided in this Act, be bound to pay rent at a rate exceeding' and for the words 'at such rate' the words 'exceeding such rate' shall be substituted.

Amendment
of section
29, Madras
Act I of
1908.

19. In section 29 of the said Act, for the words 'an occupancy ryot,' the words 'a ryot' shall be substituted.

Amendment
of section
30, Madras
Act I of
1908.

20. In section 30 of the said Act, for the words 'institute a suit before the Collector' the words 'apply to the Collector' shall be substituted.

Amendment
of section
31, Madras
Act I of
1908.

21. In clause (a) of section 31 of the said Act, for the words 'institution of the suit' in both the places where they occur, the word 'application' shall be substituted.

Amendment
of section
32, Madras
Act I of
1908.

22. In section 32 of the said Act—

(i) in clause (b) of sub-section (1)—

(a) for sub-clause (ii) the following sub-clause shall be substituted, namely:—

[*Vide p. 660.*]

and

(b) sub-clauses (iii) and (iv) shall be re-numbered (iv) and (v) respectively and the following shall be inserted as sub-clause (iii), namely:—

[*Vide p. 660.*]

and

(ii) (a) sub-section (2) shall be re-numbered as sub-section (3) and the following shall be inserted as sub-section (2), namely:—

[*Vide p. 661.*]

and

(b) in sub-section (3) as re-numbered, for the word 'decreed' the word 'ordered' shall be substituted.

Amendment
of section
35, Madras
Act I of
1908.

23. In section 35 of the said Act, for the word 'decree' the word 'order' shall be substituted.

Amendment
of section
36, Madras
Act I of
1908.

24. In section 36 of the said Act, for the words 'passing a decree for' the word 'ordering,' for the words 'the decree' the words 'the order' and for the word 'decreed' the word 'ordered' shall be substituted.

25. For section 37 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 662.*]

Substitution
of new
section for
section 37,
Madras Act I
of 1908.

26. In section 38 of the said Act—

(i) in sub-section (1), in the opening paragraph, for the words 'an occupancy ryot' the words 'a ryot' and for the words 'institute a suit before' the words 'apply to' shall be substituted; and

Amendment
of section
38, Madras
Act I of
1908.

(ii) in sub-section (2), for the words 'In any suit instituted under this section' the words 'On such an application being made' shall be substituted.

27. For section 39 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 663.*]

Substitution
of new sec-
tion for
section 39,
Madras Act
I of 1908.

28. In section 40 of the said Act—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

[*Vide p. 663.*]

Amendment
of section
40, Madras
Act I of
1908.

(ii) in clause (a) of sub-section (3), for the words 'during the preceding ten years' the words 'during the ten years preceding the date of the application' shall be substituted; and

(iii) in clause (b) of the same sub-section, for the words 'occupancy ryots' the word 'ryots' shall be substituted, and after the words 'neighbouring villages,' the words 'or where there are none such, in the villages of a neighbouring taluk' shall be inserted.

29. In section 42 of the said Act—

(i) in sub-section (2) the words 'Provided that' shall be omitted; and

(ii) after sub-section (2), the following sub-section shall be added, namely:—

[*Vide p. 664.*]

Amendment
of section
42, Madras
Act I of
1908.

30. Section 43 of the said Act shall be omitted.

Repeal of
section 43,
Madras Act
I of 1908.

31. For sub-section (1) of section 44 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide p. 665.*]

Amendment
of section
44, Madras
Act I of
1908.

Repeal of
section 45,
Madras Act
I of 1908.

32. Section 45 of the said Act shall be omitted.

Repeal of
sections
46 to 49,
Madras Act
I of 1908.

33. Sections 46 to 49 of the said Act and the heading thereto shall be omitted.

Amendment
of section
50, Madras
Act I of
1908.

34. In section 50 of the said Act—

- (i) in sub-section (1), the words 'with a permanent right of occupancy and also so far as may be to ryots holding old waste under a landholder otherwise than under a lease in writing' shall be omitted; and
- (ii) after sub-section (2), the following sub-section shall be added, namely:—

[*Vide p. 666.*]

Amendment
of section
51, Madras
Act I of
1908.

35. (1) In sub-section (1) of section 51 of the said Act—

- (i) after the words 'by a share of the produce' the words 'any sum payable by the ryot on account of pasturage fees or fishery rents' shall be inserted; and
 - (ii) for the words 'such rent, local tax, cess, fee or charge is to be paid,' the words 'they shall be paid' shall be substituted.
- (2) In sub-section (2) of the same section, for the words 'an occupancy ryot' the words 'a ryot' shall be substituted.

Repeal of
section 53,
Madras Act
I of 1908.

36. Section 53 of the said Act shall be omitted.

Amendment
of section
54, Madras
Act I of
1908.

37. (1) Sub-section (2) of section 54 of the said Act shall be omitted and sub-section (1) re-numbered as section 54.

(2) In the section as so re-numbered, for the words and figures 'in the manner provided for the service of notice under sub-section (2) of section 78,' the words 'by delivering a copy to him or to some adult male member of his family or to his authorized agent or when such service cannot be effected, by affixing a copy in the village chavadi or, if there is no village chavadi, in some conspicuous place in the village and by sending a copy by post to the ryot at his last known place of residence,' shall be substituted, and after the words 'at the cost of the landholder' at the end, the words 'and shall forthwith give intimation of the date of service to the landholder by post' shall be added.

Substitution
of new
section for
section 57,
Madras Act
I of 1908.

38. For section 57 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 668.*]

39. In section 61 of the said Act, for the words ' An arrear shall bear simple interest ' the words ' Subject to the provisions of this Act, an arrear of rent shall bear simple interest ' shall be substituted.

Amendment of section 61, Madras Act I of 1908.

40. For section 62 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 669.*]

Substitution of new section for section 62, Madras Act I of 1908.

41. In section 65 of the said Act, for the words ' If a landholder without reasonable cause refuses ' the words ' If a landholder or other person receiving rent on his behalf refuses without reasonable cause,' for the words ' in accordance with the provision of ' the words ' as required by ' and for the words ' recover from him by a suit before the Collector ' the words ' recover from the landholder on application made to the Collector for that purpose ' shall be substituted.

Amendment of section 65, Madras Act I of 1908.

42. In the second proviso to section 66 of the said Act, after the words ' by the landholder ' the words ' but the landholder shall bear the cost of transport from the threshing floor to the granary if the distance exceeds three miles ' shall be added.

Amendment of section 66, Madras Act I of 1908.

43. In section 67 of the said Act, after the words ' for the purpose of receiving rent ' the words ' or of the person authorized to receive the rent ' shall be inserted.

Amendment of section 67, Madras Act I of 1908.

44. In section 68 of the said Act—

- (i) in sub-section (1), after the words ' full amount of rent then due ' at the end, the words ' together with interest, if any, payable thereon ' shall be added; and
- (ii) sub-section (3) shall be omitted.

Amendment of section 68, Madras Act I of 1908.

45. In section 69 of the said Act—

- (i) in sub-section (1)—
 - (a) after the word ' if ' the words ' on a perusal of the application,' shall be inserted; and
 - (b) for the words " to whom an application is made under the last foregoing section," the words ' to whom it is made ' shall be substituted; and
- (ii) in sub-section (2), for the words and letter " case (a) of the last foregoing section," the words, figures and letter " case (a) of sub-section (1) of section 68," for the words and letter " case (b) of that section," the words and letter " cāse (b) of that sub-section," and for the words and letter " case (c) of that section," the words and letter " case (c) of that sub-section," shall be substituted.

Amendment of section 69, Madras Act I of 1908.

Substitution
of new
section for
section 70,
Madras Act
I of 1908.

46. For section 70 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 672.*]

Amendment
of section
71, Madras
Act I of
1908.

47. To sub-section (1) of section 71 of the said Act, the following proviso shall be added, namely:—

[*Vide p. 672.*]

Substitution
of new
section for
section 75,
Madras Act
I of 1908.

48. For section 75 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 674–675.*]

Substitution
of new
section for
section 77,
Madras Act
I of 1908.

49. For section 77 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 675–676.*]

Insertion of
new sections
77-A to 77-F
in Madras
Act I of
1908.

50. After section 77 of the said Act, the following sections shall be inserted, namely:—

[*Vide p. 676.*]

Amendment
of section
79, Madras
Act I of
1908.

51. In section 79 of the said Act—

(i) in sub-section (1), after the words ‘amount of the arrear’ the words ‘with interest’ shall be inserted;

(ii) in sub-section (2) for the words ‘If the distrainer has notice that the cultivator is some person other than the defaulter’ the words ‘If any person other than the defaulter notifies the distrainer that he is the cultivator or the owner of the property’ shall be substituted; and

(iii) in the same sub-section for the words ‘delivered to the cultivator’ at the end, the following shall be substituted, namely:—

[*Vide pp. 677–678.*]

Amendment
of section
81, Madras
Act I of
1908.

52. In section 81 of the said Act, the words ‘that is to say’ shall be omitted and after the word ‘due’ the words ‘with interest’ shall be inserted.

Amendment
of section
87, Madras
Act I of
1908.

53. In sub-sections (1) and (2) of section 87 of the said Act, after the words and figures ‘the amount specified in the written demand under section 78 with subsequent interest and costs’ the words, figures and letter ‘or the amount referred to in section 77-C’ shall be inserted.

54. For section 91 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 680.*]

Substitution of new section for section 91, Madras Act I of 1908.

55. In clause (a) of section 93 of the said Act, for the words ' of the cultivator also; ' the words ' also of the person who notifies that he is the cultivator or the owner; ' shall be substituted.

Amendment of section 93, Madras Act I of 1908.

56. In section 95 of the said Act—

Amendment of section 95, Madras Act I of 1908.

(i) in sub-section (2), after the word ' cultivator ' at the end, the words ' or owner who may also file a suit before the Collector to contest the distraint within fifteen days from the date of the service of such notice ' shall be added;

(ii) in sub-section (3), after the word ' village ' at the end of the first paragraph, the words ' and communicate it in person or by post to the defaulter and to the cultivator or owner ' shall be added; and

(iii) after sub-section (4), the following sub-section shall be added, namely:—

[*Vide p. 681.*]

57. In section 96 of the said Act, for the words ' cultivator aforesaid ' the words ' cultivator or owner aforesaid ' shall be substituted.

Amendment of section 96, Madras Act I of 1908.

58. For section 101 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 682.*]

Substitution of new section for section 101, Madras Act I of 1908.

59. In the first paragraph of section 102 of the said Act, for the words ' certified to the Collector by the sale officer and shall at the instance either of the distrainer, the defaulter, or the cultivator, without prejudice to any other remedy which he may have, be recoverable in a suit before the Collector from the defaulting purchaser, ' the words ' reported to the Collector by the sale officer and the Collector may, on application by the distrainer, the defaulter, the cultivator or the owner and after notice to the defaulting purchaser and hearing his objections, if any, certify the amount recoverable from him and the amount so certified by the Collector shall be recoverable from the defaulting purchaser at the instance either of the distrainer, the defaulter, the cultivator or the owner as if the Collector has passed a decree therefor ' shall be substituted.

Amendment of section 102, Madras Act I of 1908.

60. In section 104 of the said Act—

(i) in sub-section (1), the words and figures ' or has failed to apply to the sale officer for an order under section 92 ' shall be omitted; and

Amendment of section 104, Madras Act I of 1908.

(ii) in sub-section (2), for the words 'may order' the words 'shall order' shall be substituted.

Amendment
of section
106, Madras
Act I of
1908.

61. In sub-section (3) of section 106 of the said Act, for the words 'discharge of the arrear for which the distraint was made,' the words 'discharge of the amount for which the distraint was made with subsequent interest up to the date of payment' shall be substituted.

Amendment
of section
112, Madras
Act I of
1908.

62. (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of section 112 and in the section as so re-numbered—

(i) in the first paragraph for the words 'file a suit' the words 'institute a suit' and for the words 'sent to the Collector,' the words 'delivered to the Collector' shall be substituted; and

(ii) for the second paragraph, the following paragraph shall be substituted, namely:—

[*Vide p. 685.*]

(2) To the section as so re-numbered, the following sub-section shall be added, namely:—

[*Vide p. 685.*]

Substitution
of new sec-
tion for
section 114,
Madras
Act I of
1908.

63. For section 114 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 685.*]

Substitution
of new
section for
section 116,
Madras
Act I of
1908.

64. For section 116 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 686.*]

Substitution
of new
section for
section 117,
Madras
Act I of
1908.

65. For section 117 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 686-687.*]

Amendment
of section
118, Madras
Act I of
1908.

66. In section 118 of the said Act, for the words 'said amount,' the words 'amount mentioned in the proclamation of sale' shall be substituted.

Amendment
of section
120, Madras
Act I of
1908.

67. In section 120 of the said Act, for the words 'in one or more lots as the selling officer may think advisable,' the words 'in one or more lots as may be specified in the proclamation of sale' shall be substituted, the words 'but no such lot shall, except with the consent of the landholder, be less than a revenue field' shall be omitted, and for the words 'the costs of distress and sale' the words 'the expenses and the costs of the sale' shall be substituted.

68. After section 120 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 687.*]

Insertion of new section 120-A in Madras Act I of 1908.

69. In section 122 of the said Act—

(i) for the words 'costs of the sale' the words 'the expenses and the costs of the sale' shall be substituted; and

(ii) at the end, the following sentence shall be added, namely:—

[*Vide p. 688.*]

Amendment of section 122, Madras Act I of 1908.

70. For section 123 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 688.*]

Substitution of new section for section 123, Madras Act I of 1908.

71. For section 124 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 688–689.*]

Substitution of new section for section 124, Madras Act I of 1908.

72. In section 125 of the said Act, after the words 'this Act' occurring at the end, the words 'but not subject to any arrears of rent due in respect of the holding before the date of sale, or to interest on such arrears, whether a decree has been obtained or not for such arrears or interest' shall be added.

Amendment of section 125, Madras Act I of 1908.

73. (1) Section 127 of the said Act shall be re-numbered as sub-section (2) of that section and the following shall be inserted as sub-section (1), namely:—

[*Vide p. 689.*]

Amendment of section 127, Madras Act I of 1908.

(2) In sub-section (2) of the said section as re-numbered—

(a) in the opening paragraph, for the words 'In disposing of the proceeds of a sale of a holding under this chapter' the words 'In disposing of the balance of the proceeds of the sale' and for the words 'shall be observed' the words, figures and letter 'shall, subject to the provisions of sub-section (2) of section 120-A, be observed' shall be substituted;

(b) in clause (c), for the words 'rent which may have fallen due to him in respect of the holding between the date of application or suit' the words and figures 'arrears of rent and interest due in respect of the holding between the date of the notice under section 112' shall be substituted; and

(c) in the proviso after clause (c) for all the words beginning with the words 'of this section' up to the end, the words and figures 'until after the grant of a certificate of sale under sub-section (2) of section 124' shall be substituted.

Repeal of
section 130,
Madras Act
I of 1908.

74. Section 130 of the said Act shall be omitted.

Substitution
of new sec-
tion for
section 131,
Madras Act
I of 1908.

75. For section 131 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 691.*]

Amendment
of section
134, Madras
Act I of
1908.

76. In section 134 of the said Act, after clause (2), the following new paragraph shall be added:—

[*Vide p. 692.*]

Substitution
of new
Chapters for
Chapters
VII and
VIII,
Madras Act
I of 1908.

77. For Chapters VII and VIII of the said Act, the following chapters shall be substituted, namely:—

[*Vide pp. 692-699.*]

Substitution
of new sec-
tion for
sections 145
and 146,
Madras Act
I of 1908.

78. For sections 145 and 146 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 699-700.*]

Amendment
of section
147, Madras
Act I of
1908.

79. In section 147 of the said Act—

(i) in sub-section (1), for the words and figures 'prior to the giving of notice under section 146 or prior to the production of such copy of the decree or order or certificate of sale under section 146 in so far as,' the following words, figures and letters shall be substituted, namely:—

[*Vide pp. 701-702.*]

(ii) in sub-section (2), for the words and figures 'The notice required under section 146 shall be served,' the words and figures 'Any notice required under section 145 may also be served' shall be substituted; and

(iii) in sub-section (3), after the words 'until notice is given in writing as aforesaid,' the words, letters and figure 'or until the document referred to in clauses (b), (c) or (d) of sub-section (1), as the case may be, is produced' shall be inserted.

- 80.** In sub-section (1) of section 149 of the said Act—
 (i) the words ‘ other than a ryot of old waste bound by a lease or other written agreement for a fixed period ’ shall be omitted; and
 (ii) after the word ‘ relinquish,’ the words ‘ by a notice in writing signed by him ’ shall be inserted. Amendment of section 149, Madras Act I of 1908.
- 81.** In sections 151 and 152 of the said Act, for the words ‘ an occupancy ryot,’ the words ‘ a ryot ’ shall be substituted. Amendment of sections 151 and 152, Madras Act I of 1908.
- 82.** Sections 153 and 154 of the said Act shall be omitted. Repeal of sections 153 and 154, Madras Act I of 1908.
- 83.** Section 157 of the said Act shall be omitted. Repeal of section 157, Madras Act I of 1908.
- 84.** In the heading before section 158 of the said Act, after the word ‘ tenants,’ the words ‘ and ejectment of trespassers ’ shall be inserted. Amendment of heading to section 158, Madras Act I of 1908.
- 85.** In section 160 of the said Act—
 (i) for the words ‘ if no suit has been filed by the defaulter before the Collector ’ the words ‘ if no application has been made by the defaulter to the Collector ’ shall be substituted; and
 (ii) for the words ‘ such suit ’ the words ‘ such application ’ shall be substituted. Amendment of section 160, Madras Act I of 1908.
- 86.** For section 163 of the said Act, the following sections shall be substituted, namely:—
 [Vide pp. 705–706.] Substitution of new sections 163 and 163-A for section 163, Madras Act I of 1908.
- 87.** (1) For sub-section (3) of section 164 of the said Act, the following sub-sections shall be substituted, namely:—
 [Vide p. 707.] Amendment of section 164, Madras Act I of 1908.
 (2) To the same section, the following explanation shall be added, namely:—
 [Vide p. 707.]
- 88.** In section 165 of the said Act—
 (i) in clause (b), the words ‘ and whether the ryot is an occupancy or a non-occupancy ryot ’ shall be omitted; and Amendment of section 165, Madras Act I of 1908.

- (ii) in clause (j), after the words and figures 'ordered under sub-section (3) of section 164,' the words 'and the record of special rights in the waste land ordered under the same sub-section' shall be added.

Amendment
of section
166, Madras
Act I of
1908.

89. In section 166 of the said Act—

- (i) after sub-section (2), the following sub-sections shall be inserted, namely:—

[*Vide p. 709.*]

; and

- (ii) in sub-section (3), after the words 'may be published,' the words 'and separate dates fixed' shall be inserted.

Amendment
of section
168, Madras
Act I of
1908.

90. (1) In sub-section (1) of section 168 of the said Act—

- (i) for the words and figures 'If within two months from the date of the final publication of the record-of-rights under sub-section (2) of section 166' the words and figures 'If on or before the date fixed under sub-section (2-A) of section 166 in respect of any village or any area for which a record-of-rights is published where such area is less than a village or within such further period, if any, as the Local Government may, in their discretion, from time to time think fit to allow' shall be substituted;

- (ii) for the words 'holders or not less than one-fourth,' the words 'holders of not less than one-eighth' shall be substituted;

- (iii) for the words 'holdings in the village,' the words 'holdings in such village or area' shall be substituted; and

- (iv) after the words 'in respect of the land' at the end, the words 'situated in such village or area' shall be inserted, namely:—

(2) After sub-section (1) of the same section, the following sub-section shall be inserted, namely:—

[*Vide p. 710.*]

Amendment
of section
170, Madras
Act I of
of 1908.

91. In sub-section (2) of section 170 of the said Act, after the sentence ending with the words 'return it for revision' the following sentence shall be added, namely:—

[*Vide p. 711.*]

Substitution
of new sec-
tion for
section 171,
Madras Act
I of 1908.

92. For section 171 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 711-712.*]

Substitution
of new sec-
tion for
section 172,
Madras Act
I of 1908.

93. For section 172 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 712.*]

94. In section 173 of the said Act—

- (i) in sub-section (1), for the words ' which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made ' the words ' for the relief he claims ' shall be substituted;
- (ii) sub-section (4) shall be omitted and sub-section (5) re-numbered as sub-section (4); and
- (iii) for sub-section (4) as so re-numbered, the following sub-section shall be substituted, namely:—
[*Vide p. 713.*]

Amendment of section 173, Madras Act I of 1908.

95. In section 174 of the said Act, the words ' orders or ' shall be omitted, before the word ' Collector ' the word ' District ' shall be inserted and for the word and figure ' sub-section (5), ' the word and figure ' sub-section (4) ' shall be substituted.

Amendment of section 174, Madras Act I of 1908.

96. For section 175 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 713.*]

Substitution of new section for section 175, Madras Act I of 1908.

97. For section 176 of the said Act, the following section shall be substituted, namely:—
[*Vide p. 713.*]

Substitution of new section for section 176, Madras Act I of 1908.

98. (1) In section 177 of the said Act, for the words ' the final order or decision fixing the rent ' the words and figures ' the sanction by the confirming authority under sub-section (2) of section 170 ' shall be substituted.

Amendment of section 177, Madras Act I of 1908.

(2) To the same section, the following provisos shall be added, namely:—
[*Vide p. 714.*]

99. In sub-section (1) of section 178 of the said Act, for the words ' suit or proceeding, ' the words ' suit, application or proceeding ' shall be substituted.

Amendment of section 178, Madras Act I of 1908.

100. In the proviso to section 179 of the said Act, for the words ' a right of which he is in possession ' the words ' his right ' shall be substituted.

Amendment of section 179, Madras Act I of 1908.

101. In sub-section (1) of section 180 of the said Act—

- (i) the words ' When the preparation of a record-of-rights under this chapter has been directed or undertaken ' shall be omitted; and
- (ii) for the words ' the expenses incurred by the Government in carrying out the provisions of this chapter ' the words ' The expenses incurred in carrying out any of the provisions of this Chapter ' shall be substituted.

Amendment of section 180, Madras Act I of 1908.

Substitution
of new
section for
section 181,
Madras Act
I of 1908.

102. For section 181 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 715.*]

Amendment
of section
183, Madras
Act I of
1908.

103. In sub-section (2) of section 183 of the said Act, the words 'or in any decree which is proved to his satisfaction to have been obtained by collusion or fraud' and the words and figures 'of the nature described in section 185' shall be omitted.

Amendment
of section
185, Madras
Act I of
1908.

104. In section 185 of the said Act, the words 'Provided that all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for twelve years immediately before the commencement of this Act, shall be deemed to be the landholder's private land' shall be omitted.

Substitution
of new
section for
section 186,
Madras Act
I of 1908.

105. For section 186 of the said Act, the following section shall be substituted, namely:—

[*Vide pp. 716-717.*]

Amendment
of section
187, Madras
Act I of
1908.

106. In sub-section (1) of section 187 of the said Act—

- (i) for the words 'an occupancy ryot' wherever they occur, the words 'a ryot' shall be substituted;
- (ii) in clause (c), for the words and figures 'sub-section (2) or section 32,' the words and figures 'sub-section (3) of section 32' shall be substituted; and
- (iii) in clause (e), for the words 'sue for a commutation of rent,' the words 'apply for commutation of rent' shall be substituted.

Repeal of
section 188,
Madras Act
I of 1908.

107. Section 188 of the said Act shall be omitted.

Amendment
of section
189, Madras
Act I of
1908.

108. In section 189 of the said Act—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide p. 718.*]

- (ii) in sub-section (2), for the words and figure 'Decrees and orders passed under sub-section (1),' the words and figure 'Decrees and orders passed in the suits and applications referred to in sub-section (1)' shall be substituted; and

- (iii) after sub-section (3) the following sub-section shall be added, namely:—

[*Vide p. 718.*]

109. (1) Sub-section (2) of section 190 of the said Act shall be omitted and sub-section (1) re-numbered as section 190.

Amendment
of section
190, Madras
Act I of
1908.

(2) In the section as so re-numbered, for the words and figures ' an application under section 15 or a suit under section 40 ' the words and figures ' an application under section 15, section 25, sub-section (3) of section 32, section 40 or sub-section (2) of section 42 ' shall be substituted.

110. In section 191 of the said Act, the words ' excluding the time occupied in obtaining a copy of such order or decree ' shall be omitted.

Amendment
of section
191, Madras
Act I of
1908.

111. For section 192 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 192,
Madras Act
I of 1908.

[*Vide pp.* 719–721.]

112. For section 193 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 193,
Madras Act
I of 1908.

[*Vide pp.* 721–722.]

113. Sections 194, 195 and 196 of the said Act shall be omitted.

Repeal of
sections 194,
195 and 196,
Madras Act
I of 1908

114. For section 197 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 197,
Madras Act
I of 1908.

[*Vide p.* 722.]

115. Sections 198 and 199 of the said Act shall be omitted.

Repeal of
sections 198
and 199,
Madras Act
I of 1908.

116. In section 200 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment
of section
200, Madras
Act I of
1908.

[*Vide pp.* 722–723.]

and

(ii) in sub-section (2) for the word and figures ' Chapter VII ' the word and figures ' Chapter VIII ' shall be substituted.

117. For section 201 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 201,
Madras Act
I of 1908.

[*Vide p.* 723.]

118. Section 202 of the said Act shall be omitted.

Repeal of
section 202,
Madras Act
I of 1908.

- Amendment of section 203, Madras Act I of 1908.** **119.** In sub-section (4) of section 203 of the said Act, for the word and figures 'section 54' the words and figures 'rule 11 of Order VII' shall be substituted; and after the words 'Code of Civil Procedure' the figures '1908' shall be inserted.
- Amendment of section 206, Madras Act I of 1908.** **120.** In section 206 of the said Act—
 (i) for the words 'Revenue or Judicial officer' in the first two places where they occur, the word 'person' shall be substituted; and
 (ii) for the words 'the Revenue or Judicial officer had not been so invested' at the end, the words 'such person had not been so invested' shall be substituted.
- Amendment of section 209, Madras Act I of 1908.** **121.** In section 209 of the said Act—
 (i) for sub-section (1), the following sub-section shall be substituted, namely:—
 [Vide p. 725.]
 and
 (ii) in sub-section (2), the words 'or other Revenue officer' shall be omitted and after the word 'suits' the word 'applications' shall be inserted.
- Amendment of section 210, Madras Act I of 1908.** **122.** Sub-section (2) of section 210 of the said Act shall be omitted and sub-section (1) re-numbered as section 210.
- Substitution of new section for section 211, Madras Act I of 1908.** **123.** For section 211 of the said Act, the following section shall be substituted, namely:—
 [Vide p. 725.]
- Amendment of section 212, Madras Act I of 1908.** **124.** In sub-section (1) of section 212 of the said Act—
 (i) in clause (d) for the word and figures 'section 163' the word, figures and letter 'section 163-A' shall be substituted; and at the end the word 'or' shall be inserted; and
 (ii) after clause (d), the following clause shall be inserted, namely:—
 [Vide p. 726.]
- Amendment of section 215, Madras Act I of 1908.** **125.** In section 215 of the said Act—
 (i) for the words 'The Local Government may, after previous publication, make rules consistent with this Act' the following shall be substituted, namely:—
 [Vide p. 727.]
 (ii) in sub-clause (b) of clause (1) for the figures '1897' the figures '1923' shall be substituted.
 (iii) in clause (5), after the words 'communal purposes' at the end, the words 'and of the beds and bunds of tanks, supply, drainage, surplus or irrigation channels' shall be added;

(iv) in clause (9) after the word 'rent' at the end, the word 'and' shall be added;

(v) in clause (10), for the words 'by a Collector of suits and applications heard and decided by him: and' the words 'of suits and applications disposed of under this Act.' shall be substituted; and

(vi) clause (11) shall be omitted.

126. For the schedule to the said Act, the following schedule shall be substituted, namely:—

[*Vide pp. 728-733.*]

Substitution of new Schedule for the Schedule to Madras Act I of 1908.

MISCELLANEOUS PROVISIONS.

127. (1) Subject to the provisions of sub-section (2), nothing in this Act or in any repeal or amendment effected thereby shall affect any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act under a decree or order of a competent court.

Saving of rights and liabilities under decrees or orders of Court.

(2) No tenant in possession on the 1st day of November 1933, of any land in an inam village, not being an estate within the meaning of sub-clause (d) of clause (2) of section 3 of the said Act as amended by this Act, or admitted by the inamdar to possession of any such land subsequent to the said date, shall be liable to be ejected until the 1st day of November 1935 and all proceedings in ejectment of any such tenant and all proceedings involving a decision whether or not the inamdar has the kudivaram right in such land, shall be stayed until the 1st day of November 1935:

Tenants of certain inamdars not to be ejected until 1st November 1935, and all proceedings in ejectment or in which the inamdar's right to the kudivaram is in issue to be stayed until that date.

Provided that nothing contained in this sub-section shall apply to any land the kudivaram interest in which has been declared or recognized before the 1st day of November 1933 to vest in the inamdar by a decree or order of a competent court which has become final.

SCHEDULE.

[See section 3 (2).]

Section.	Sub-section or clause.	For the words.	Substitute the words.
(1)	(2)	(3)	(4)
16	(1)	such Revenue-officer as the Local Government may appoint	the Collector.
16	(3)	officer receiving the application..	Collector.
68	(1)	Collector or such other officer as the Local Government may appoint	Collector.
68	(1)	the said Collector or other officer	the Collector.
69	(1)	Collector or other officer ..	Collector.
71	(1)	Collector or other officer ..	Collector.
71	(3)	Collector or other officer ..	Collector.
72	..	Collector or other officer ..	Collector.
150	(1)	a Revenue-officer ..	the Collector.

Estates Land [1934: Mad. Act VIII.
Local Authorities Entertainments [1934: Mad. Act IX.
Tax

Section. (1)	Sub- section or clause. (2)	For the words (3)	Substitute the words. (4)
164	(1)	a Revenue-officer	the Collector.
166	(1)	officer preparing the record-of- rights.	Collector.
166	(2)	officer aforesaid	Collector.
167	(1)	by the Revenue-officer or by the Collector.	by the Collector or by the Dis- trict Collector.
168	(2)	officer	Collector.
182	..	a Revenue-officer	the Collector.
183	(1)	a Revenue-officer	the Collector.
183	(2)	a Revenue-officer	the Collector.
184	..	a Revenue-officer	the Collector.
204	(1)	Collector or other Revenue-officer.	Collector.
204	(1)	Collector and Revenue-officer ..	Collector.
204	(2)	Revenue-officers	Collectors.
214	(1)	any Collector or officer	the Board of Revenue or any District Collector, Collector or officer.
215	(1)	Collectors and Revenue-officers ..	District Collec- tors and Collectors.

MADRAS ACT No. IX of 1934.¹

[THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS TAX
(AMENDMENT) ACT, 1934.]

[3rd July, 1934.]

An Act to amend the Madras Local Authorities Enter-
tainments Tax Act, 1926, for certain purposes.

WHEREAS it is expedient to amend the Madras Local Autho-
rities Entertainments Tax Act, 1926, for the purposes Madras Act V
of 1927.
hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Local Authorities
Entertainments Tax (Amendment) Act, 1934.

Amendment
of section 3,
Madras Act
V of 1927.

2. In sub-section (5) of section 3 of the Madras Local
Authorities Entertainments Tax Act, 1926—

(i) after the words “substantial portion of the income
is derived,” the words “or is likely to be derived”
shall be inserted; and

(ii) after the existing proviso, the following proviso
shall be added, namely:—

[Vide p. 1710.]

¹ For Statement of Objects and Reasons see *Fort St George Gazette*,
dated 20th February 1934—Part IV, page 90.

THE MADRAS CO-OPERATIVE LAND MORTGAGE
BANK'S ACT, 1934.

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MADRAS ACT No. X OF 1934. ¹[THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS
Act, 1934.]

[31st July, 1934.]

An Act to facilitate the working of Co-operative Land Mortgage Banks in the Presidency of Madras.

WHEREAS it is expedient to supplement the provisions of the Madras Co-operative Societies Act, 1932, in order to facilitate the working of co-operative land mortgage banks in the Presidency of Madras with a view to provide for the grant of long-term loans to owners of land or other immovable property, to enable them to discharge their debts, to carry out agricultural improvements, to acquire land for the formation of economic holdings and other like purposes and thereby to promote thrift and self-help among them;

Madras
Act VI of
1932.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title.

1. This Act may be called the Madras Co-operative Land Mortgage Banks Act, 1934.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 7th February 1933—Part IV, pages 20–22.

2. It extends to the whole of the Presidency of Madras. Extent.

3. In this Act, unless there is anything repugnant in the Definitions, subject or context—

- (a) 'Board' means the Board of Directors of the Central Mortgage Bank;
- (b) 'Central Mortgage Bank' means the Madras Co-operative Central Land Mortgage Bank, Limited;
- (c) 'committee' means, in relation to a mortgage bank, the Board of Directors or Board of Management or the panchayat or the committee of management or the governing body to whom the management of its affairs is entrusted;
- (d) 'mortgage bank' means a Co-operative Land Mortgage Bank registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, and admitted as a member of the Central Mortgage Bank;
- (e) 'prescribed' means prescribed by rules made by the Local Government under this Act;
- (f) 'Registrar' means the person appointed by the Local Government to be Registrar of Co-operative Societies for the Presidency of Madras under section 3 of the Madras Co-operative Societies Act, 1932; and
- (g) 'Trustee' means the Trustee referred to in section 5.

Madras
Act VI of
1932.

Madras
Act VI of
1932.

CHAPTER II.

Debentures.

4. (1) (a) With the previous sanction of the Trustee, the Board may issue debentures of one or more denominations for such periods as it may deem expedient on the security of the mortgages and other assets transferred by the mortgage banks to the Central Mortgage Bank and of the other properties of such Bank. Issue of debentures by the Board.

(b) Such debentures may contain a term fixing a period not exceeding ten years from the date of issue during which they shall be irredeemable, or reserving to the Board the right to call in at any time any of the debentures in advance of the date fixed for redemption, after giving to the debenture-holder concerned not less than three months' notice, in writing.

(2) The total amount due on the debentures issued by the Board (including those issued before the commencement of this Act) and outstanding at any time shall not exceed the total amount due on the mortgages, the amounts paid thereunder and remaining in the hands of

the Board or of the Trustee at such time and the value of all other assets transferred by the mortgage banks to the Central Mortgage Bank and subsisting at that time.

Appoint-
ment of
Trustee
and his
powers and
functions.

5. The Registrar, or where the Local Government appoint any other person in this behalf such person, shall be the Trustee for the purpose of securing the fulfilment of the obligations of the Central Mortgage Bank to the holders of debentures issued by the Board. The mortgages and other assets transferred by the mortgage banks to the Central Mortgage Bank shall vest in the Trustee from the date of such transfer. The holders of the debentures shall have a floating charge on all such mortgages and assets, on the amount paid under such mortgages and remaining in the hands of the Board or of the Trustee and on the other properties of the Central Mortgage Bank. The powers and functions of the Trustee shall be governed by the instrument of trust executed between the Bank and the Trustee as modified from time to time by mutual agreement between the Board and the Trustee.

Guarantee
by Local
Government
of principal
of, and
interest on,
debentures
issued under
section 4.

6. (1) The principal of, and interest on, the debentures issued under section 4 to such maximum amount as may be fixed by the Local Government and subject to such conditions as they may think fit to impose shall, subject to the provisions of sub-section (3), carry the guarantee of the Local Government.

(2) The Local Government may, after consulting the Legislative Council, increase the maximum amount of any guarantee given by them.

(3) The Local Government may, after consulting the Board and the Trustee—

(a) by notification in the *Fort St. George Gazette*, and

(b) by notice for not less than fourteen days in such of the principal newspapers in the Presidency of Madras and of the other provinces in British India as the Local Government may select in this behalf, discontinue any guarantee given by them or restrict the maximum amount thereof or modify the conditions subject to which it is given, with effect from a specified date, not being earlier than six months from the date of publication of the notification in the *Fort St. George Gazette*.

In cases where the maximum amount of the guarantee is to be restricted or the conditions subject to which the guarantee is given are to be modified, the notification and notice aforesaid shall set forth with sufficient clearness the scope and effect of the restriction or modification.

Explanation.—The withdrawal, restriction or modification of any guarantee under this sub-section, shall not affect in any way the guarantee carried by any debentures issued prior to the date on which such withdrawal, restriction or modification takes effect.

7. The Local Government may, in their discretion, guarantee the principal of, and the interest on, any debentures issued before the commencement of this Act by the Board, subject to such conditions as the Local Government may think fit to impose.

Guarantee by Local Government of principal of, and interest on, debentures issued before commencement of the Act.

8. The Board may, subject to the approval of the Trustee, make regulations not inconsistent with the provisions of this Chapter—

Power of Board to make regulations.

- (i) for fixing the period of debentures and the rate of interest payable thereon;
- (ii) for calling in debentures after giving notice to debenture holders;
- (iii) for the issue of new debentures in place of debentures damaged or destroyed;
- (iv) for converting one class of debentures into another bearing a different rate of interest; and
- (v) generally for carrying out the provisions of this Chapter.

CHAPTER III.

Distrain and Sale of Produce.

9. (1) If any instalment payable under a mortgage executed in favour of a mortgage bank or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, the committee may, in addition to any other remedy available to the bank, apply to the Registrar or to any person appointed by the Local Government under section 3 of the Madras Co-operative Societies Act, 1932, to assist the Registrar, for the recovery of such instalment or part by distraint and sale of the produce of the mortgaged land including the standing crops thereon. On receipt of such application, the Registrar or such person may, notwithstanding anything contained in the Transfer of Property Act, 1882, take such action as is necessary to distrain and sell such produce:

Distrain when to be made.

Madras Act VI of 1932.

IV of 1882.

Provided that no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due.

(2) The distress shall not be excessive; the value of the property distrained shall be, as nearly as possible, equal to the amount due and the expenses of the distraint and the costs of the sale.

Distraint
how to be
effected.

10. (1) Before or at the time when a distraint is made under section 9, the distrainer shall serve or cause to be served upon the defaulter a written demand specifying the amount for which the distraint is made.

(2) The demand shall be dated and signed by the distrainer and shall be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode or to his authorized agent, or when such service cannot be effected, by affixing a copy of the demand on some conspicuous part of his abode and of his land.

Sale of
property
distrained.

11. (1) If, within fifteen days from the date of service of the demand referred to in section 10, the defaulter does not pay the amount for which the distraint was effected, the distrainer may sell in auction the distrained property or such part thereof as may in his opinion be necessary to satisfy the demand together with the expenses of the distraint and the costs of the sale.

(2) From the proceeds of such sale, a deduction shall be made at a rate not exceeding one anna in the rupee on account of the costs of the sale.

(3) From the balance shall be deducted the expenses incurred by the distrainer on account of the distraint.

(4) The remainder, if any, shall be applied to the discharge of the amount for which the distraint was made.

(5) The surplus, if any, shall be delivered to the person whose property has been sold and he shall be given a receipt for the amount discharged from the proceeds of the sale.

Power of
Local
Government
to make
rules.

12. The Local Government may make rules not inconsistent with this Chapter—

- (i) for the manner of effecting distraint;
- (ii) for the custody, preservation and sale of the distrained property;
- (iii) for the investigation of claims by persons other than the defaulter to any right or interest in the distrained property; and for the postponement of the sale pending such investigation;
- (iv) for the immediate sale of perishable articles; and
- (v) generally for the purpose of carrying out the provisions of this Chapter.

CHAPTER IV.

Power of Sale.

IV of 1882.
XXVIII of
1866.

13. (1) Notwithstanding anything contained in the Transfer of Property Act, 1882, or in the Trustees' and Mortgagees' Powers Act, 1866, where a power of sale without the intervention of the Court is expressly conferred on the mortgage bank by the mortgage deed, the committee of such bank or any person authorized by such committee in this behalf shall, in case of default of payment of the mortgage money or any part thereof, have power, in addition to any other remedy available to the bank, to bring the mortgaged property to sale without the intervention of the Court.

Power of
sale when
to be exer-
cised.

(2) No such power shall be exercised unless and until—

(a) the Board has previously authorized the exercise of the power conferred by sub-section (1), after hearing the objections, if any, of the mortgagor or mortgagors;

(b) notice in writing requiring payment of such mortgage money or part has been served upon—

(i) the mortgagor or each of the mortgagors;

(ii) any person who has any interest in or charge upon the property mortgaged or in or upon the right to redeem the same;

(iii) any surety for the payment of the mortgage debt or any part thereof; and

(iv) any creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property; and

(c) default has been made in payment of such mortgage money or part for three months after such service.

14. (1) In exercise of the power of sale conferred by section 13, the committee of a mortgage bank or any person duly authorized by such committee, may apply to the sale officer appointed in that behalf under section 22 to sell the mortgaged property or any part thereof and such officer shall, after giving notice in writing to all the persons referred to in section 13 sell such property in the manner prescribed.

Application
for sale and
manner of
sale.

(2) The sale shall be by public auction and shall be held in the village where the mortgaged property is situated or at the nearest place of public resort if the sale officer is of opinion that the property is likely to sell to better advantage there.

Application
to set aside
sale on
deposit and
confirmation
of sale in
default or on
dismissal of
such appli-
cation.

15. (1) When a mortgaged property has been sold under this Chapter, the mortgagor or any person having a right or interest therein affected by the sale, may, at any time within thirty days from the date of sale, apply to the committee of the mortgage bank concerned to have the sale set aside on his depositing at the office of such bank—

- (a) for payment to the mortgage bank, the amount specified in the proclamation of sale together with subsequent interest and the costs, if any, incurred by the bank in bringing the property to sale; and
- (b) for payment to the purchaser, a sum equal to five per cent of the purchase money.

(2) If such deposit is made, the committee shall make an order setting aside the sale.

(3) Where no application is made under sub-section (1) or where such application is made and disallowed, the committee shall apply to the principal officer of the co-operative department in the district, to make an order confirming the sale and on such officer confirming the sale, it shall become absolute.

Distribution
of the
proceeds
of sale.

16. (1) The proceeds of every sale under this Chapter shall be applied by the sale officer, *first* in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; *secondly*, in payment of all interest due on account of the mortgage in consequence whereof the mortgaged property was sold; *thirdly*, in payment of the principal money due on account of the mortgage; and *lastly*, the residue, if any, shall be paid to the person proving himself interested in the property sold or, if there are more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

(2) (a) Any person dissatisfied with the decision of the sale officer in regard to the distribution of such residue may, within thirty days of the communication to him of such decision, institute a suit in a Court to establish the right he claims.

(b) The sale officer shall not distribute such residue until thirty days have elapsed from the communication of his decision to all the persons concerned or, if a suit has been instituted within the said period of thirty days by any such person, until the suit is disposed of or otherwise, than in accordance with the decision of the Court therein.

Explanation.—In this sub-section ‘Court’ means the Civil Court which would have jurisdiction to entertain a suit to enforce the mortgage and within the limits of whose jurisdiction the property sold is situated.

17. Where a sale of mortgaged property has become absolute, the sale officer shall grant a certificate specifying the property sold and the name of the person who at the time of the sale is declared to be the purchaser. Such certificate shall bear date, the day on which the sale became absolute.

Certificate to purchaser.

18. (1) Where the mortgaged property sold is in the occupancy of the mortgagor or of some person on his behalf or of some person claiming under a title other than a lease for a period not exceeding five years created by the mortgagor subsequent to the mortgage in favour of the mortgage bank and a certificate in respect thereof has been granted under section 17, the Court shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom he may appoint to receive delivery on his behalf, in possession of the property.

Delivery of property to purchaser.

(2) Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under section 17, the Court shall, on the application of the purchaser, and after notice to such tenant or other person, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property and proclaiming to the occupant by beat of drum or other customary mode at some convenient place that the interest of the mortgagor has been transferred to the purchaser.

(3) In regard to the cases dealt with in sub-sections (1) and (2), the provisions of rules 97 to 103 of Order XXI of the first schedule to the Code of Civil Procedure, 1908, shall *mutatis mutandis* and so far as may be, apply.

V of 1908.

Explanation.—In this section, ‘ Court ’ shall have the same meaning as in section 16.

19. It shall be competent to a mortgage bank or the Central Mortgage Bank to purchase the mortgaged property sold under this Chapter, but the property so purchased shall be disposed of by such bank by sale within such period as may be fixed by the Trustee.

Right of mortgage bank or of the Central Mortgage Bank to purchase the mortgaged property at sale.

20. (1) The Board may, on the application of a mortgage bank and under circumstances in which the power of sale conferred by section 13 may be exercised, appoint in writing a receiver of the produce and income of the mortgaged property or any part thereof and such receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be, to retain out of any money realized by him, his expenses of management including his remuneration, if any, as fixed by the Board, and to apply the balance in accordance with the provisions of sub-section (8) of section 69-A of the Transfer of Property Act, 1882.

Appointment of receiver and his powers.

IV of 1882.

(2) A receiver appointed under sub-section (1) may, for sufficient cause and on application made by the mortgagor, be removed by the Board.

(3) A vacancy in the office of the receiver may be filled up by the Board.

(4) Nothing in this section shall empower the Board to appoint a receiver where the mortgaged property is already in the possession of a receiver appointed by a Civil Court.

Title of purchaser not to be impeached on the ground of irregularity, etc.

21. When a sale has been made in professed exercise of a power of sale under section 13 and has been confirmed under sub-section (3) of section 15, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorize the sale or that due notice was not given or that the power was otherwise improperly or irregularly exercised, but any person damnified by an unauthorized or improper or irregular exercise of the power shall have his remedy in damages against the mortgage bank.

Appointment of sale officer.

22. The Registrar may appoint sale officers for the purpose of conducting sales under this Chapter.

Power of Local Government to make rules.

23. The Local Government may make rules not inconsistent with this Chapter—

- (i) for the due proclamation and conduct of the sale;
- (ii) for the recovery of the expenses of proclamation and sale;
- (iii) for the deposit of the purchase money;
- (iv) for the resale of the property, if the purchase money is not deposited; and
- (v) generally for carrying out the provisions of this Chapter.

CHAPTER V.

Miscellaneous.

Powers of mortgage bank in case the mortgaged property is wholly or partially destroyed or the security is rendered insufficient.

24. Where any property mortgaged to a mortgage bank is wholly or partially destroyed or the security is rendered insufficient and the mortgagor, having been given a reasonable opportunity by the committee of the mortgage bank, of providing further security enough to render the whole security sufficient or of repaying such portion of the loan as may be determined by the committee, has failed to provide such security or to repay such portion of the loan, the whole of the loan shall be deemed to fall due at once and the committee shall be entitled to take action against the mortgagor under section 9 or section 13 for the recovery thereof.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged

property exceeds the amount for the time being due on the mortgage by such proportion as may be specified in the by-laws of the mortgage bank.

25. (1) The Board or the Trustee may direct the committee of a mortgage bank to take action against a defaulter under section 9, section 13 or section 24 and if the committee neglects or fails to do so, the Board or the Trustee may take such action.

Power of Board or of Trustee to direct distraint and sale of produce and the sale of mortgaged property, etc.

(2) (a) Where such action is taken by the Board, the provisions of this Act and of any rules or regulations made thereunder shall apply in respect thereto as if all references to the mortgage bank and to its committee in the said provisions were references to the Central Mortgage Bank and the Board respectively.

(b) Where such action is taken by the Trustee, the provisions of this Act and of any rules or regulations made thereunder shall apply in respect thereto as if all references to the mortgage bank or to its committee in the said provisions were references to the Trustee.

IV of 1882. 26. Notwithstanding anything contained in the Transfer of Property Act, 1882, the duration of any lease executed by a mortgagor of property mortgaged to a mortgage bank after the execution of the mortgage shall in no case exceed five years.

Mortgagor's power to lease.

III of 1909.
V of 1920. 27. Notwithstanding anything contained in the Presidency Towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, a mortgage executed in favour of a mortgage bank shall not be called in question on the ground that it was not executed in good faith for valuable consideration or on the ground that it was executed in order to give the mortgage bank a preference over the other creditors of the mortgagor.

Mortgage not to be questioned on insolvency of mortgagor.

XIX of 1883. 28. A mortgage executed in favour of a mortgage bank after the commencement of this Act shall have priority over any claim of the Government arising from a loan under the Land Improvement Loans Act, 1883, granted after the execution of the mortgage.

Priority of mortgage over claims arising under the Land Improvement Loans Act, 1883.

IV of 1882. 29. Where a mortgage is executed in favour of a mortgage bank for payment of prior debts of the mortgagor, the bank may, notwithstanding the provisions of sections 83 and 84 of the Transfer of Property Act, 1882, by notice in writing, require any person to whom any such debt is due to receive payment of such debt or part thereof from the bank ¹ [at its registered office] within such period as may be specified in the notice. If any such person fails to receive such notice

Right of mortgage bank to pay prior debts of mortgagor.

¹ The words within square brackets were inserted by section 2 of the Madras Co-operative Land Mortgage Banks (Amendment) Act, 1935 (Madras Act XVII of 1935).

or such payment, such debt or part thereof, as the case may be, shall cease to carry interest from the expiration of the period specified in the notice:

Provided that where there is a dispute as regards the amount of any such debt, the person to whom such debt is due shall be bound to receive payment of the amount offered by the mortgage bank towards the debt, but such receipt shall not prejudice the right, if any, of such person, to recover the balance claimed by him.

Registration
of docu-
ments
executed on
behalf of
a mortgage
bank or of
the Central
Mortgage
Bank.

30. (1) Notwithstanding anything contained in the Indian Registration Act, 1908, it shall not be necessary for ^{XVI of 1908.} any Director, Secretary or other officer of a mortgage bank or of the Central Mortgage Bank to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such Director, Secretary or officer for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Power of
mortgage
bank to
receive
moneys and
grant valid
discharges
notwith-
standing
assignment
of mortgage
deeds to
the Central
Mortgage
Bank.

31. Notwithstanding the transfer of a mortgage by a mortgage bank to the Central Mortgage Bank—

(a) all moneys due under the mortgage shall, in the absence of any specific direction to the contrary issued by the Board or Trustee and communicated to the mortgagor, be payable to the mortgage bank and such payment shall be as valid as if the mortgage had not been so transferred; and

(b) the mortgage bank shall, in the absence of any specific direction to the contrary issued by the Board or Trustee and communicated to the mortgage bank, be entitled to sue on the mortgage or take any other proceeding for the recovery of the moneys due under the mortgage.

Special
provision for
mortgages
executed by
managers of
joint Hindu
families.

32. (1) Where a mortgage executed in favour of a mortgage bank either before or after the passing of this Act is called in question on the ground that it was executed by the manager of a joint Hindu family for a purpose not binding on the members thereof whether major or minor, the burden of proving the same shall, notwithstanding any law to the contrary, lie on the party raising it.

(2) For the purpose of this section, the following shall not be regarded as purposes not binding on a member of the joint Hindu family, namely:—

(a) the improvement of agricultural land or of the methods of cultivation; and

(b) the purchase of land.

33. The provisions of Chapters III and IV shall apply also to the loans advanced by mortgage banks from funds which have not been borrowed from the Central Mortgage Bank.

Chapters III and IV to apply to loans advanced by mortgage banks from funds not borrowed from the Central Mortgage Bank.

34. Whenever under the provisions of this Act notice is required to be given to any person in writing, it shall be sufficient to send such notice by registered post.

Service of notices under the Act.

IV of 1882.

35. The provisions of sections 102 and 103 of the Transfer of Property Act, 1882, and of any rules made by the High Court under section 104 of that Act for carrying out the purposes of the said sections, shall apply, so far as may be, in respect of all notices to be served under this Act.

Sections 102, 103 and 104 of the Transfer of Property Act, 1882, to apply to such notices.

36. At any sale of movable or immovable property held under the provisions of this Act in order to recover any money due to a mortgage bank, no Director, Secretary or other officer of such bank or of the Central Mortgage Bank (except on behalf of the bank of which he is a Director or Secretary or an officer) and no sale officer or other person having any duty to perform in connexion with such sale, shall either directly or indirectly, bid for or acquire or attempt to acquire any interest in such property.

Officers of mortgage banks and of the Central Mortgage Bank and sale officers not to bid at sales.

37. The Board may, if it thinks fit, delegate all or any of its powers under sections 13, 20 and 25 to an executive committee constituted by it and consisting of two or more of its members.

Delegation of certain powers by Board.

Madras Act VI of 1932.

38. Notwithstanding anything contained in the Madras Co-operative Societies Act, 1932, or the rules made thereunder, the Board shall have a general power of supervision over the mortgage banks and may make regulations not inconsistent with this Act or the rules made thereunder—

Power of Board to make regulations.

- (a) for the inspection of the account books and proceedings of mortgage banks;
- (b) for the submission of returns and reports by mortgage banks in respect of their transactions;
- (c) for the periodical settlement of accounts between mortgage banks and the Central Mortgage Bank and for the payment of the amounts recovered by mortgage banks on mortgages transferred to the Central Mortgage Bank;

- (d) prescribing the form in which applications to mortgage banks for loans should be made and for the valuation of the properties offered as security for such loans;
- (e) for the investment of moneys realized from the mortgagors; and
- (f) generally for the purpose of safeguarding the interests of the parties concerned and for carrying out the purposes of this Act.

MADRAS ACT No. XI OF 1934.¹

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS (AMENDMENT)
ACT, 1934.]

[27th November, 1934.]

An Act further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes.

WHEREAS it is expedient further to amend the Madras Hindu Religious Endowments Act, 1926, for the purposes hereinafter appearing; Madras Act II of 1927.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Hindu Religious Endowments (Amendment) Act, 1934.

Insertion of
new section
44-B in
Madras
Act II of
1927.

2. After section 44-A of the Madras Hindu Religious Endowments Act, 1926, the following section shall be inserted, namely:—

[*Vide pp.* 1680–1682.]

MADRAS ACT No. XII OF 1934.²

[THE MADRAS IMPARTIBLE ESTATES (SECOND AMENDMENT)
ACT, 1934.]

[27th November, 1934.]

An Act to amend the Madras Impartible Estates Act,
1904.

WHEREAS, it is expedient to amend the Madras Impartible Estates Act, 1904, for the purposes hereinafter appearing; Madras Act II of 1904.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 28th November 1933—Part IV, page 229.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 23rd August 1932—Part IV, pages 110-113.

1934: Mad. Act XII.] *Impartible Estates*
1935: Mad. Act I.] *Madras City Civil Court*
1935: Mad. Act II.] *Malabar Land Registration*

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AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Impartible Estates Short title. (Second Amendment) Act, 1934.

2. After section 8 of the Madras Impartible Estates Act, 1904, the following sections shall be added, namely:—

[*Vide pp. 588–590.*]

Addition
of sections
9 to 15 in
Madras
Act II of
1904.

MADRAS ACT No. I OF 1935.¹

[THE MADRAS CITY CIVIL COURT (AMENDMENT) ACT, 1934.]

[*22nd January, 1935.*]

An Act further to amend the Madras City Civil Court Act, 1892, for a certain purpose.

VII of 1892.

WHEREAS it is expedient further to amend the Madras City Civil Court Act, 1892, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras City Civil Court Short title. (Amendment) Act, 1934.

VII of 1892.

2. After section 3 of the Madras City Civil Court Act, 1892, the following section shall be inserted, namely:—

[*Vide p. 218.*]

Insertion
of new
section 3-A
in Act VII
of 1892.

MADRAS ACT No. II OF 1935.²

[THE MALABAR LAND REGISTRATION (AMENDMENT) ACT, 1934.]

[*22nd January, 1935.*]

An Act further to amend the Malabar Land Registration Act, 1895, for a certain purpose.

Madras Act,
III of 1896.

WHEREAS it is expedient further to amend the Malabar Land Registration Act, 1895, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Malabar Land Registration Short title. (Amendment) Act, 1934.

Madras Act
III of 1896.

2. In section 14 of the Malabar Land Registration Act, 1895, for the last sentence, the following sentence shall be substituted, namely:—

[*Vide p. 532.*]

Amendment
of section
14, Madras
Act III of
1896.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 19th September 1933—Part IV, page 202.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 2nd October 1934—Part IV, pages 390–391.

MADRAS ACT No. III OF 1935.¹

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1934.]

[5th February, 1935.]

An Act further to amend the Madras Local Boards Act, 1920, and to amend the Madras Local Boards and Elementary Education (Amendment) Act, 1934, for certain purposes.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, and to amend the Madras Local Boards and Elementary Education (Amendment) Act, 1934, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Local Boards (Amendment) Act, 1934.

Amendment of section 56, Madras Act XIV of 1920. 2. In sub-section (1) of section 56 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), for clause (h) and the *Explanation* thereto, the following clause and *Explanation* shall be substituted, namely:—
[Vide pp. 1305–1306.]

Insertion of new section 70-A in Madras Act XIV of 1920. 3. After section 70 of the said Act, the following section shall be inserted, namely:—
[Vide p. 1312.]

Amendment of Schedule V, Madras Act XIV of 1920. 4. In Schedule V to the said Act—
(i) in sub-rule (1) of rule 1-A after clause (j), the following clause shall be inserted, namely:—
[Vide p. 1405.]
(ii) in sub-rule (1) of rule 1-B, for clause (i), the following clause shall be substituted, namely:—
[Vide p. 1407.]
(iii) in the same sub-rule of rule 1-B, clause (k) shall be omitted;
(iv) in rule 5, in item (13) under the heading “A—Village Funds” after the words “village funds,” the words “or managed by the panchayat” shall be added; and
(v) in the same rule, in item (10) under the heading “B—District Funds,” after the words “district funds” the words “or managed by the district board” shall be added.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 16th October 1934—Part IV, pages 408–410.

Madras Act
II of 1934.

5. In rule 7 of the Schedule to the Madras Local Boards and Elementary Education (Amendment) Act, 1934—

Amendment
of the
Schedule,
Madras Act
II of 1934.

- (i) for the opening paragraph, the following paragraph shall be substituted, namely:—

[*Vide p. 2027.*]

- (ii) in clause (b), after the words “ the presidents of taluk boards,” the words “ if any ” shall be inserted;

- (iii) in sub-clause (i) of clause (g)—

- (a) for the words, figure and letter “ on the date of issue of the notification under the said section 3-A,” the words, figure and letter “ on the date on which the notification under the said section 3-A takes effect ” shall be substituted; and

- (b) for the words “ with effect from the date of such notification,” the words “ with effect from such date ” shall be substituted;

- (iv) in sub-clause (ii) of clause (g), for the words, figure and letter “ after the issue of the notification under the said section 3-A ” the words, figure and letter “ after the date on which the notification under the said section 3-A takes effect ” shall be substituted; and

- (v) in sub-clause (iii) of clause (g), for the words, figure and letter “ after the issue of the notification under the said section 3-A,” the words, figure and letter “ after the date on which the notification under the said section 3-A takes effect ” shall be substituted.

MADRAS ACT No. IV OF 1935.¹

[THE MADRAS DISTRICT MUNICIPALITIES (SECOND AMENDMENT) ACT, 1934.]

[5th February, 1935.]

An Act further to amend the Madras District Municipalities Act, 1920, for certain purposes.

Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities (Second Amendment) Act, 1934. Short title.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* Extraordinary, dated 28th July 1934, page 9.

Amendment of section 50, Madras Act V of 1920. 2. In sub-section (1) of section 50 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act), for clause (i) and the *Explanation* thereto, the following clause and *Explanation* shall be substituted, namely:—

[*Vide p. 1034.*]

Amendment of section 70, Madras Act V of 1920. 3. After sub-section (2) of section 70 of the said Act, the following sub-section shall be added, namely:—

[*Vide pp. 1039–1040.*]

Amendment of section 73, Madras Act V of 1920. 4. In section 73 of the said Act, for the words “any rules which the Local Government may make in this behalf,” the words and brackets “any rules (including rules for the representation of different communities) which the Local Government may make in this behalf” shall be substituted.

Insertion of new section 73-A in Madras Act V of 1920. 5. After section 73 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1041.*]

Amendment of section 87, Madras Act V of 1920. 6. For sub-section (3) of section 87 of the said Act, the following sub-section shall be substituted, namely:—

[*Vide pp. 1050–1051.*]

Amendment of section 125, Madras Act V of 1920. 7. To sub-section (1) of section 125 of the said Act, the following proviso shall be added, namely:—

[*Vide p. 1066.*]

MADRAS ACT No. V OF 1935.¹

[THE MADRAS CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) Act, 1934.]

[12th February, 1935.]

An Act further to amend the Madras Co-operative Societies Act, 1932, for certain purposes.

WHEREAS it is expedient further to amend the Madras Co-operative Societies Act, 1932, for the purposes hereinafter appearing; Madras Act VI of 1932.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Co-operative Societies (Second Amendment) Act, 1934.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette* Extraordinary, dated 19th October 1934, pages 2–3.

Madras Act
VI of 1932.

2. Section 28 of the Madras Co-operative Societies Act, 1932 (hereinafter referred to as the said Act), shall be omitted. Repeal of section 28, Madras Act VI of 1932.

3. After section 57 of the said Act, the following section shall be inserted, namely:—
 [Vide p. 1940.] Insertion of new section 57-A in Madras Act VI of 1932.

4. In clause (ee) of sub-section (2) of section 65 of the said Act, for the word and figures "section 28" the word, figures and letter "section 57-A" shall be substituted. Amendment of section 65, Madras Act VI of 1932.

MADRAS ACT No. VI OF 1935.¹

[THE MADRAS MATERNITY BENEFIT ACT, 1934.]

[24th February, 1935.]

An Act to prevent the employment of women in factories for some time before and some time after confinement and to provide for payment of maternity benefit to them.

WHEREAS it is expedient to prevent the employment of women in factories for some time before and some time after confinement and to provide for the payment of maternity benefit to them;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Maternity Benefit Act, 1934. Short title.

2. (1) It shall come into force on the first day of April 1935. Commencement and extent.

(2) It extends to the whole of the Presidency of Madras.

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) 'employer' includes 'an occupier of a factory' as defined in the Factories Act, 1934, and the manager of a factory;

(b) the expressions 'factory,' 'Inspector of Factories,' 'seasonal factory' and 'worker' shall have the same meanings as are respectively assigned to them by the Factories Act, 1934; and

XXV of 1934.

XXV of 1934.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 15th August 1933, Part IV, page 175.

(c) 'maternity benefit' means the amount of money payable under the provisions of this Act to a woman worker in a factory.

Prohibition of employment of women in factories immediately after confinement.

4. After this Act comes into operation, no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her confinement.

Right to maternity benefit of women workers in non-seasonal factories.

5. (1) Subject to the provisions of this Act, every woman worker in a factory not being a seasonal factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day for the actual days of her absence during the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her confinement and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Notice of claim of maternity benefit and payment thereof.

6. (1) Any woman worker in a factory entitled to maternity benefit under the provisions of this Act may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit. If the woman worker has not been confined, such notice shall state that she expects to be confined within one month from the date of the notice; if she has been confined, such notice shall be given within one week of her confinement.

(2) The employer shall on receipt of the notice permit such woman to absent herself from the factory until the expiry of four weeks after the day of her confinement.

(3) The amount of maternity benefit for the period up to and including the day of confinement shall be paid by the employer to the woman within forty-eight hours of the production of such proof as the Local Government may by rule prescribe that the woman has been confined. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

7. If a woman worker entitled to maternity benefit under the provisions of this Act dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due to the nominee mentioned in the notice given under sub-section (1) of section 6 and if there is no such nominee to her legal representative.

Payment of maternity benefit in case of claimant's death.

8. (1) When a woman worker absents herself from work in accordance with the provisions of this Act, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such day that the notice will expire during such absence.

Prohibition of notice of dismissal to woman worker in certain cases.

(2) (a) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Act.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (1).

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6, she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Forfeiture of maternity benefit.

10. If any employer contravenes the provisions of this Act, he shall be punishable with fine which may extend to two hundred and fifty rupees.

Penalty for contravention of Act by employer.

11. (1) No prosecution for any offence against this Act or any rules thereunder shall be instituted except by or with the previous sanction of the Inspector of Factories.

Jurisdiction of Courts.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

12. No Court shall take cognizance of, or convict a person for, any offence against this Act or any rule thereunder unless complaint thereof has been made within six months of the date on which the offence was committed. In computing the period of six months aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Inspector of Factories under sub-section (1) of section 11 shall be excluded.

Period of limitation for prosecutions under Act.

Rules.

13. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the preparation and maintenance of a muster roll and the particulars to be entered in such roll;
- (b) the inspection of factories for the purposes of this Act by Inspectors of Factories;
- (c) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Act; and
- (d) the method of payment of maternity benefit in so far as provision has not been made therefor in this Act.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

Copy of Act
and rules
to be
exhibited in
factories
employing
women.

14. A copy of the provisions of this Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.

MADRAS ACT No. VII OF 1935.¹

[THE MADRAS DEBTORS' PROTECTION ACT, 1934.]

[6th March, 1935.]

An Act for the protection of certain classes of debtors
in the Presidency of Madras.

WHEREAS it is expedient to make provision for the protection of certain classes of debtors in the Presidency of Madras, and for that purpose to regulate the keeping of accounts by certain classes of creditors;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Debtor's Protection Act, 1934.

(2) It extends to the whole of the Presidency of Madras.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 30th August 1932—Part IV, pages 127-128.

(3) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) " bank " means a company carrying on the business of banking and—

(a) registered under any of the enactments relating to companies for the time being in force in the United Kingdom or in any of the British Dominions, or in any of the Colonies or Dependencies of the United Kingdom, or in British India, or in any State in India, or

(b) incorporated by an Act of Parliament or by Royal Charter or Letters Patent or by any Act of the Indian Legislature;

(2) " company " means a company—

(a) registered under any of the enactments relating to companies for the time being in force in the United Kingdom or in any of the British Dominions, or in any of the Colonies or Dependencies of the United Kingdom, or in British India, or in any State in India, or

(b) incorporated by an Act of Parliament or by Royal Charter or Letters Patent or by any Act of the Indian Legislature,

and includes a life assurance company to which the Indian Life Assurance Companies Act, 1912, applies;

(3) " co-operative society " means a society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932;

(4) " Court " includes a court acting in the exercise of insolvency jurisdiction;

(5) " creditor " means a person, including a pawnbroker, who in the regular course of business advances a loan and includes the legal representative and the successor-in-interest whether by inheritance, assignment or otherwise of the person who advanced the loan;

(6) " interest " does not include any sum lawfully charged in accordance with the provisions of this Act by a creditor for or on account of costs, charges, or expenses, but save as aforesaid, includes any amount, by whatsoever name called in excess of the principal, paid or payable to a creditor in consideration of or otherwise in respect of a loan;

VI of 1912.

Madras Act
VI of 1932.

(7) "loan" means an advance of money or in kind at interest, being for a sum, or being of a value, of less than five hundred rupees at a time in any one transaction, and includes any transaction which the Court finds in substance to amount to such an advance, but does not include—

(i) a deposit of money or other property in a Government Post Office Savings Bank, or in a bank, in a company or with a co-operative society;

(ii) an advance made by a bank, a company or a co-operative society;

(iii) an advance made by Government or by any person authorized by Government to make advances in their behalf, or by any local authority;

(iv) an advance made by any person *bona fide* carrying on any business, not having for its primary object the lending of money, if such loan is advanced in the regular course of such business;

(v) an advance made by a landlord to his tenant, by a lessor to his lessee, by one partner in cultivation or co-sharer, to another for the purpose of carrying on agriculture;

(vi) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881, other than a promissory note; XXVI of 1881.

(8) "pawnbroker" means a person who carries on the business of taking goods and chattels in pawn for a loan;

(9) "pawner" means a person delivering an article for pawn to a pawnbroker;

(10) "prescribed" means prescribed by rules made under this Act; and

(11) "principal" means in relation to a loan the amount actually lent to the debtor.

Duty of
creditor
to maintain
accounts
and to give
receipts.

3. (1) Every creditor shall—

(a) regularly record and maintain or cause to be recorded and maintained, an account showing for each debtor separately—

(i) the date of the loan, the amount of the principal of the loan, and the rate per cent per annum of interest charged on the loan; and

(ii) the amount of every payment received by the creditor in respect of the loan, and the date of such payment;

- (b) give to the debtor or his agent, a receipt for every sum paid by him, duly signed and, if necessary, stamped at the time of such payment; and
- (c) on requisition in writing made by the debtor, furnish to the debtor or, if he so requires, to any person mentioned by him in that behalf in his requisition, a statement of account signed by himself or his agent showing the particulars referred to in clause (a) and also the amount which remains outstanding on account of the principal and of interest and charge such sum as the Local Government may prescribe as fee therefor.

[of 1872.

(2) Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of the account referred to in clause (a) of sub-section (1) certified in such manner as may be prescribed, shall be admissible in evidence in the same manner and to the same extent as the original account.

(3) A person to whom a statement of account has been furnished under clause (c) of sub-section (1) and who fails to object to the correctness of the account shall not by such failure alone be deemed to have admitted the correctness of such account.

4. (1) Every pawnbroker shall regularly record and maintain an account in which, in addition to the particulars referred to in clause (a) of sub-section (1) of section 3, he shall record or cause to be recorded—

Additional accounts to be maintained by pawn-brokers.

- (a) a full and detailed description of the article or of each of the articles taken in pawn;
- (b) the time agreed upon for the redemption of the pawn; and
- (c) the name of the pawner and, where the pawner is not the owner of the article or of any of the articles pawned, the name and address of the owner thereof.

(2) A copy of the entries in such account shall be delivered by the pawnbroker to the pawner at the time of the pawn on tender of such sum as the Local Government may prescribe as the charge therefor.

5. In the receipt to be given under clause (b) of sub-section (1) of section 3, in the statement of account to be furnished under clause (c) of that sub-section and in the copy of the entries to be delivered under sub-section (2) of section 4, the figures shall be entered only in Arabic numerals.

Figures in accounts and receipts to be in Arabic numerals.

6. (1) In any suit or proceeding relating to a loan, if the Court finds that a creditor has not maintained an account as required by clause (a) of sub-section (1) of section 3 or by sub-section (1) of section 4, he shall not be allowed his costs.

Penalty for non-compliance with sections 3 and 4.

(2) If a creditor fails to give to the debtor or his agent a receipt as required by clause (b) of sub-section (1) of section 3 or to furnish, on a requisition made under clause (c) of that sub-section, a statement of account as required therein within one month after such requisition has been made, or if a pawnbroker fails to deliver to the pawner, a copy of the entries as required by sub-section (2) of section 4, he shall not be entitled to any interest for the period of the default.

Savings.

7. Nothing contained in this Act shall apply to any loan advanced before the commencement of this Act.

Rules.

8. (1) The Local Government may make rules not inconsistent with this Act for the purpose of carrying out all or any of its purposes.

(2) In particular and without prejudice to the generality of the foregoing power the Local Government may make rules prescribing—

(a) the sum which may be charged as fee for a statement of account, furnished under clause (c) of sub-section (1) of section 3,

(b) the manner in which a copy of the account shall be certified for the purpose of sub-section (2) of section 3, and

(c) the sum which may be charged for a copy of the entries in a pawnbroker's account, to be delivered by the pawnbroker to the pawner under sub-section (2) of section 4.

MADRAS ACT No. VIII of 1935.¹

[THE MADRAS CHRISTIAN MARRIAGES VALIDATION ACT, 1934.]

[6th March, 1935.]

An Act to validate certain marriages solemnized by Mr. A. Asirvatham of the Self-Supporting Seventh Day Adventist Church for the Tamil country in the district of Tinnevely.

WHEREAS licences were granted by the Government of Madras on the 26th day of October 1928 to Mr. A. Asirvatham of the Self-Supporting Seventh Day Adventist Church for the Tamil country in the district of Tinnevely to solemnize marriages and to grant certificates of marriage between Indian Christians under sections 6 and 9 respectively of the Indian Christian Marriage Act, 1872;

XV of 1872.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 27th November 1934—Part IV, page 476.

AND WHEREAS on the 7th day of August 1933 the said licences were revoked by the said Government;

AND WHEREAS after the date of the said revocation the said Mr. Asirvatham continued to solemnize marriages and to grant certificates of marriage up to and including the 15th day of November 1933 as if the said licences had not been revoked;

AND WHEREAS it is doubtful whether the marriages so solemnized and the certificates so granted and the other acts done by the said Mr. Asirvatham in virtue of the said revoked licences on and from the 7th day of August 1933 up to and including the 15th day of November 1933 are valid in law;

AND WHEREAS there is no reason to doubt that the parties to the said marriages believed in good faith that the said Mr. Asirvatham was legally entitled to act on his said revoked licences between the said dates;

AND WHEREAS it is expedient that all such marriages and all certificates of marriage granted and all other acts relating to such marriages or certificates done by the said Mr. Asirvatham should be validated;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Christian Marriages Validation Act, 1934.

2. All marriages solemnized, all certificates granted and all acts done by the said Mr. Asirvatham on and from the 7th day of August 1933 up to and including the 15th day of November 1933 which would be valid if the licences granted to him on the 26th day of October 1928 had not been revoked shall be deemed to be as valid as if he had held licences under sections 6 and 9 of the Indian Christian Marriage Act, 1872, on and from the 7th day of August 1933 and up to and including the 15th day of November 1933 and no such marriage, certificate or act shall be deemed to be invalid by reason only of the fact that the said licences were revoked.

XV of 1872.

3. Certificates of marriages validated by section 2 and register-books and certified copies of true and duly authenticated extracts therefrom deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, shall, in so far as the register-books and extracts relate to such marriages, be received as evidence of such marriages as if such marriages had been duly solemnized under the said Act.

XV of 1872.

MADRAS ACT No. IX OF 1935.¹

[THE MADRAS COMPULSORY LABOUR (AMENDMENT) ACT, 1935.]

[1st May, 1935.]

An Act further to amend the Madras Compulsory
Labour Act, 1858.

WHEREAS it is expedient further to amend the Madras Compulsory Labour Act, 1858, for the purposes hereinafter¹ of 1858. appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Compulsory Labour (Amendment) Act, 1935.

Substitution
of new
section for
section 5,
Act I of
1858.

2. For section 5 of the Madras Compulsory Labour Act, 1858, the following section shall be substituted, namely:—¹ of 1858.

[Vide pp. 87–88.]

MADRAS ACT No. X OF 1935.²

[THE MADRAS STATE AID TO INDUSTRIES (AMENDMENT) ACT, 1935.]

[25th March, 1935.]

An Act further to amend the Madras State Aid
to Industries Act, 1922, for certain purposes.

WHEREAS it is expedient further to amend the Madras State Aid to Industries Act, 1922, for the purposes hereinafter^{Madras Act V} of 1923. appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras State Aid to Industries (Amendment) Act, 1935.

Amendment
of section 6,
Madras Act
V of 1923.

2. In section 6 of the Madras State Aid to Industries Act, 1922 (hereinafter referred to as the said Act), after clause^{Madras Act V} of 1923. (f), the following clause shall be added, namely:—

[Vide p. 1489.]

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 9th October 1934—Part IV, pages 402–403.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 12th February 1935—Part IV, page 38.

3. In section 16 of the said Act, after the words “ of the grant of Government land, raw material, firewood or water on favourable terms,” the words “ or of the supply from a Government source of electric energy at concessional rates ” and after the words “ value of the grant,” the words “ or concession ” shall be inserted.

MADRAS ACT No. XI OF 1935.¹

[THE MADRAS ELEMENTARY EDUCATION (AMENDMENT)
Act, 1935.]

[27th March, 1935.]

An Act further to amend the Madras Elementary Education Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Madras Elementary Education Act, 1920; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Elementary Education (Amendment) Act, 1935. Short title and commencement.

(2) It shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In section 5 of the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act), after sub-section (7), the following sub-section shall be added, namely:— Amendment of section 5, Madras Act VIII of 1920.

[*Vide p. 1235.*]

3. For section 8 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 8, Madras Act VIII of 1920.

[*Vide pp. 1235–1236.*]

4. For sub-section (2) of section 19 of the said Act, the following sub-section shall be substituted, namely:— Amendment of section 19, Madras Act VIII of 1920.

[*Vide p. 1239.*]

5. In section 41 of the said Act,—

(i) sub-section (3) shall be lettered as clause (a) of sub-section (3) and to the clause as so lettered, the following words shall be added at the end, namely:— Amendment of section 41, Madras Act VIII of 1920.

“ within sixty days from the date of the passing thereof ”;

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 2nd October 1934—Part IV, pages 396–399.

- (ii) to the same sub-section, the following clause shall be added, namely:—

[*Vide p. 1247.*]

and

- (iii) sub-section (4) shall be renumbered as sub-section (5) and the following shall be inserted as sub-section (4), namely:—

[*Vide p. 1248.*]

Amendment
of section
42, Madras
Act VIII of
1920.

6. In section 42 of the said Act,—

- (i) sub-section (3) shall be lettered as clause (a) of sub-section (3) and to the clause as so lettered, the following words shall be added at the end, namely:—

“ within sixty days from the date of the passing thereof ”;

- (ii) to the same sub-section, the following clause shall be added, namely:—

[*Vide p. 1249.*]

and

- (iii) sub-section (4) shall be renumbered as sub-section (5) and the following shall be inserted as sub-section (4), namely:—

[*Vide p. 1249.*]

Amendment
of section
44, Madras
Act VIII of
1920.

7. In section 44 of the said Act,—

- (i) after the words “ elementary education,” the words “ or education in such standards thereof as may be prescribed in this behalf ” shall be inserted; and

- (ii) after clause (c), the following shall be added, namely:—

[*Vide p. 1250.*]

Insertion of
new section
45-A in
Madras Act
VIII of
1920.

8. After section 45 of the said Act, the following section shall be inserted, namely:—

[*Vide p. 1251.*]

Substitution
of new
section for
section 46,
Madras Act
VIII of
1920.

9. For section 46 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1252.*]

Amendment
of section
49, Madras
Act VIII of
1920.

10. In section 49 of the said Act, the second proviso shall be omitted.

11. For sections 51 and 52 and the heading thereto, the following heading and section shall be substituted, namely:—

[*Vide pp. 1253–1254.*]

Substitution of new section 51 for sections 51 and 52, Madras Act VIII of 1920.

12. In sub-section (2) of section 56 of the said Act,—

(i) after clause (h), the following clause shall be inserted, namely:—

[*Vide p. 1256.*]

and

(ii) clause (j) shall be omitted.

Amendment of section 56, Madras Act VIII of 1920.

Transitional Provisions.

13. Notwithstanding anything contained in this Act, every member of a district educational council holding office on the date of the commencement of this Act shall, subject to the provisions of sections 9 and 10 of the said Act hold office as such until the expiry of three years from the date of the *Fort St. George Gazette* wherein his election or appointment is notified.

Tenure of existing members of district educational councils not to be affected by Act.

14. If any difficulty arises in first giving effect to the provisions of this Act or of the said Act as amended by this Act, the Local Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Removal of difficulty in giving effect to Act.

MADRAS ACT No. XII OF 1935.¹

[THE MADRAS HINDU RELIGIOUS ENDOWMENTS
(AMENDMENT) ACT, 1935.]

[*12th April, 1935.*]

An Act further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes.

WHEREAS it is expedient further to amend the Madras Hindu Religious Endowments Act, 1926, for the purposes hereinafter appearing;

Madras Act
11 of 1927.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called “The Madras Hindu Religious Endowments (Amendment) Act, 1935.”

Short title.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 13th February 1934—Part IV, pages 71–73.

Amendment of section 9, Madras Act II of 1927. 2. In section 9 of the Madras Hindu Religious Endowments Act, 1926 (hereinafter referred to as the said Act)— Madras Act II of 1927.

(i) to clause (5), the following *Explanation* shall be added, namely:—

[*Vide p. 1666.*]

and

(ii) after clause (8), the following clause shall be inserted, namely:—

[*Vide p. 1666.*]

Amendment of section 45, Madras Act II of 1927. 3. In sub-section (1) of section 45 of the said Act, for the words 'trustee of a religious endowment,' the words 'trustee of any math or temple or of any religious endowment attached to any math or temple' shall be substituted.

Substitution of new section for section 48, Madras Act II of 1927. 4. For section 48 of the said Act, the following section shall be substituted, namely:—

[*Vide p. 1683.*]

Amendment of section 57, Madras Act II of 1927. 5. In section 57 of the said Act—

(i) at the end of sub-section (1), the following shall be added, namely:—

[*Vide p. 1687.*]

and

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

[*Vide p. 1687.*]

Amendment of section 63, Madras Act II of 1927. 6. In section 63 of the said Act—

(i) at the end of sub-section (1), the following shall be added, namely:—

[*Vide pp. 1689-1690.*]

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

[*Vide p. 1690.*]

and

(iii) sub-section (2) shall be omitted.

Insertion of new Chapter VI-A in Madras Act II of 1927. 7. After Chapter VI of the said Act, the following Chapter shall be inserted, namely:—

[*Vide pp. 1690-1692.*]

Amendment of section 69, Madras Act II of 1927. 8. In section 69 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

[*Vide p. 1694.*]

and

- (ii) in sub-section (2), for the words 'Every temple other than an excepted temple,' the words 'Every temple other than an excepted or notified temple and every specific endowment attached to a temple other than an excepted or notified temple' shall be substituted.

9. In sub-section (1) of section 70 of the said Act—

Amendment
of section
70, Madras
Act II of
1927.

- (i) for the words 'every math and temple,' the words 'the math, temple or specific endowment concerned' shall be substituted; and
- (ii) the words "Where the contribution or a portion of the contribution has to be paid by a specific endowment, the same shall be assessed on and notified to the trustee of the specific endowment also," shall be omitted.

10. In section 73 of the said Act—

Amendment
of section
73, Madras
Act II of
1927.

(i) in sub-section (1)—

(a) the words 'or committee having jurisdiction over any math or temple' shall be omitted;

(b) in clause (a), after the words 'trustee of a math or excepted temple,' the words 'or of a specific endowment attached to a math or excepted temple' shall be inserted;

(c) in clause (c), the word 'or' at the end shall be omitted; and

(d) clause (d) shall be re-lettered (e) and the following shall be inserted as clause (d), namely:—

[*Vide p. 1698.*]

and

- (ii) sub-section (2) shall be renumbered (3) and the following shall be inserted as sub-section (2), namely:—

[*Vide p. 1698.*]

MADRAS ACT No. XIII OF 1935.¹

[THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1935.]

[2nd July, 1935.]

An Act further to amend the Madras Local Boards Act, 1920, for certain purposes.

Madras Act
XIV of 1920.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Local Boards Short title. (Amendment) Act, 1935.

Madras Act
XIV of 1920.

2. In section 11 of the Madras Local Boards Act, 1920 Amendment of section 11, Madras Act XIV of 1920. (hereinafter referred to as the said Act)—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

[*Vide p. 1279.*]

(ii) in sub-section (2), for the words “on such day or days in the months of August and September next preceding the vacancies,” the words “on such day or days within three months before the occurrence of the vacancies” shall be substituted;

(iii) in the proviso to the same sub-section, for the words “after the end of September” the words “after the occurrence of the vacancy” shall be substituted; and

(iv) in the proviso to sub-section (4), after the words “before the ordinary date of retirement,” the words, figure, letter and brackets “or before the date of retirement as determined under sub-section (1-A), as the case may be” shall be inserted.

3. In sub-section (2-A) of section 45 of the said Act, for Amendment of section 45, Madras Act XIV of 1920. the words “expire at the end of three years if it is reconstituted on the first day of November in any year and in other cases at the end of three years from the first day of November immediately preceding the date of its reconstitution,” the following words shall be substituted, namely:—

[*Vide p. 1297.*]

4. In sub-section (7) of section 45-A of the said Act, for Amendment of section 45-A, Madras Act XIV of 1920. the words “expire at the end of three years if it is reconstituted on the first day of November in any year and in

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 22nd January 1935—Part IV, pages 21–22.

other cases at the end of three years from the first day of November immediately preceding the date of its reconstitution," the following words shall be substituted, namely:—

[*Vide p. 1298.*]

5. In section 51 of the said Act—

- (i) in sub-section (1), for the words "end of June" the words "end of September" shall be substituted; Amendment of section 51, Madras Act XIV of 1920.
 (ii) to the same sub-section, the following proviso shall be added, namely:—

[*Vide p. 1301.*]

- (iii) sub-section (2) shall be omitted;

- (iv) in sub-section (4)—

(a) the words "as revised by the list of amendments and corrections, if any," shall be omitted; and

(b) after the words "publication of a fresh electoral roll" the words, figure and brackets "under sub-section (1)" shall be added; and

- (v) in sub-section (5), the words "as so revised" shall be omitted.

6. In sub-section (5) of section 240 of the said Act, for the words, figure and brackets "expire at the end of three years if the day referred to in sub-section (2) is the first day of November and in other cases at the end of three years from the first day of November immediately preceding such day," the following words shall be substituted, namely:—

[*Vide pp. 1384–1385.*]

Madras Act II of 1934.

7. In giving effect to the provisions of the said Act or the Madras Local Boards and Elementary Education (Amendment) Act, 1934, as amended by this Act, the said provisions shall be read subject to the modifications specified below:—

- (a) The Presidency of Madras (except the City of Madras) shall, on the commencement of this Act, stand divided into three groups of districts, namely, Group I, Group II and Group III, as shown in the Schedule to this Act. Madras Acts XIV of 1920 and II of 1934 as amended by this Act to be read subject to certain modifications.

Explanation.—Where a district included in any of the groups is split up into two or more districts, each of such districts shall be deemed to be a district included in such group.

- (b) (i) The term of office of the members of every local board holding office on the date of the commencement of this Act shall, subject to the provisions of sections 16, 45 and 45-A, sub-section (2) of section 54, and sections 56, 57 and 59 of the said Act, extend to, or expire on, as the case may be, the noon of such date as the Local Government may fix.

(ii) The Local Government may, from time to time, postpone any date fixed by them under sub-clause (i) and fix another date in lieu thereof.

(iii) Any date fixed for a local board under sub-clause (i) or sub-clause (ii) shall not be later than the date specified in column (3) of the table below for such board, and ordinary elections shall be held thereto so that the members elected at such elections shall come into office at noon on the date so fixed. The members so elected shall, subject to the provisions mentioned in sub-clause (i), hold office for the term specified in column (4) of the table below. If before the expiry of such term a member is elected at a casual election, he shall hold office only so long as the member in whose place he is elected would have been entitled to hold office.

Area where local boards are situated.	Class of local boards.	Latest date which may be fixed for vacation of office by existing members.	Term of office of members elected at the next ordinary elections.
(1)	(2)	(3)	(4)
I. (a) Districts of Vizagapatam, Chingleput, and the Madura Nilgiris.	District boards	31st December 1937.	3 years.
(b) Do.	Panchayats to which ordinary elections have been held in the year 1934-35.	Do.	3 "
(c) Do.	Other panchayats	31st December 1935.	2 "
II. (a) Districts included in Group I, other than the districts of Vizagapatam, Chingleput, Madura Nilgiris.	District boards	Do.	2 "
(b) Do.	Panchayats to which ordinary elections have been held in the year 1934-35.	31st December 1937.	3 "
(c) Do.	Other panchayats	31st December 1935.	2 "
III. (a) Districts included in Group II.	District boards	Do.	3 "
(b) Do.	Panchayats to which ordinary elections have been held in the year 1934-35.	31st December 1938.	3 "
(c) Do.	Other panchayats	31st December 1935.	3 "
IV. (a) Districts included in Group III.	District boards	31st December 1936.	3 "
(b) Do.	Panchayats to which ordinary elections have been held in the year 1934-35.	Do.	3 "
(c) Do.	Other panchayats	Do.	3 "

(c) The president and the vice-president of every local board holding office on the date of the commencement of this Act shall, subject to the provisions of sub-sections (1) and (2) of section 15 and sections

16, 43, 44, 45 and 45-A of the said Act, hold office up to, or vacate office on the date fixed under clause (b).

- (d) The electoral roll published for any local board under sub-section (1) of section 51 of the said Act, as revised by the list of amendments and corrections, if any, published under sub-section (2) of that section and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for that local board until the publication of a fresh electoral roll in accordance with the provisions of the said Act as amended by this Act:

Provided that the name of an elector may be included in the list on an application made by him before a prescribed time every year before the month of September on the sole ground that the applicant became qualified to vote after the final publication of the last general electoral roll.

- (e) Notwithstanding anything contained in sub-section (1) of section 51 of the said Act, the ordinary elections which are to be held under clause (b) in the year 1935-36 to panchayats situated in the districts of Vizagapatam, Chingleput, Madura and the Nilgiris shall be held on the basis of the electoral rolls prepared and published in the year 1934-35.
- (f) Any vacancy in the office of an elected member of a local board which is in existence on the date of the commencement of this Act or which occurs before the date fixed under clause (b), shall be filled by election under the provisions of the said Act as amended by this Act.

Explanation.—The office of a member of a local board to which no person had at any time prior to the commencement of this Act been elected, shall be deemed to be vacant within the meaning of this clause.

- (g) Any person elected as president, vice-president or member of a local board after the commencement of this Act but before the date fixed under clause (b) shall, subject to the provisions mentioned in clause (b) or clause (c), as the case may be, hold office up to the date fixed under clause (b).
- (h) If any difficulty arises as to the constitution or reconstitution of any local board after the commencement of this Act or otherwise in giving effect to the provisions of this Act or of the Madras Local Boards and Elementary Education (Amendment) Act, 1934, or of the said Act, as amended by this Act, the Local

Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

THE SCHEDULE.

[See section 7 (a).]

Names of districts.	Names of districts.
<i>Group I.</i>	<i>Group II—cont.</i>
Vizagapatam.	Kurnool.
Chingleput.	Godavari, West.
Madura.	Guntur.
The Nilgiris.	
Arcot, North.	<i>Group III.</i>
Bellary.	Salem.
Kanara, South.	Malabar.
Trichinopoly.	Godavari, East.
	Ramnad.
<i>Group II.</i>	Ganjam.
Anantapur.	Coimbatore.
Tinnevely.	Nellore.
Arcot, South.	East Tanjore.
Cuddapah.	West Tanjore.
Chittoor.	Kistna.

MADRAS ACT No. XIV OF 1935.¹

[THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1935.]

[22nd October, 1935.]

An Act further to amend the Madras City Municipal Act, 1919, for a certain purpose.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purpose hereinafter appearing; Madras Act IV of 1919.
It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras City Municipal (Amendment) Act, 1935.

Power to postpone the elections of certain divisional councillors. 2. Notwithstanding anything contained in sub-sections (1) and (2) of section 55 of the Madras City Municipal Act, 1919 (hereinafter referred to as the said Act), the Local Government may, by notification in the *Fort St. George Gazette*,— Madras Act IV of 1919.

(a) extend for a period not exceeding six months from the date of the commencement of this Act the term of office of the ten divisional councillors whose term expires, under sub-section (1) of section 55 of the said Act, at noon on the first day of November 1935; and

¹. For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 23rd July 1935—Part IV, pages 271-272.

1935: Mad. Act XIV.] *City Municipal (Amendment)* 2097
1935: Mad. Act XV.] *Village Courts (Amendment)*
1935: Mad. Act XVI.] *Agricultural Loans.*

(b) direct that the ordinary elections of divisional councillors required to be held under sub-section (2) of section 55 of the said Act in the months of August and September 1935, shall be postponed accordingly.

MADRAS ACT No. XV OF 1935.¹

[THE MADRAS VILLAGE COURTS (AMENDMENT) ACT, 1935.]

[22nd October 1935.]

An Act further to amend the Madras Village Courts Act, 1888, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Village Courts Act, 1888, for the purpose hereinafter appearing; Madras Act of 1889.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Village Courts (Amendment) Act, 1935.

Amendment of section 9, Madras Act I of 1889.

2. After sub-section (3) of section 9 of the Madras Village Courts Act, 1888, the following sub-section shall be inserted, Madras Act I of 1889.
namely:—

[*Vide p. 444.*]

MADRAS ACT No. XVI OF 1935.²

[THE AGRICULTURISTS' LOANS (MADRAS AMENDMENT) ACT, 1935.]

[29th October, 1935.]

An Act to amend the Agriculturists' Loans Act, 1884, in its application to the Presidency of Madras, for a certain purpose.

WHEREAS it is expedient to amend the Agriculturists' Loans Act, 1884, in its application to the Presidency of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Agriculturists' Loans (Madras Amendment) Act, 1935.

¹ For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 13th November 1934—Part IV, page 413.

² For Statement of Objects and Reasons see *Fort St. George Gazette*, dated 23rd July 1935, Part IV, page 272.

XII of 1884.

2. In sub-section (1) of section 4 of the Agriculturists' Loans Act, 1884, after the words "the relief of distress," the words "or indebtedness," shall be inserted.

Amendment of section 4, Act XII of 1884.

MADRAS ACT No. XVII OF 1935.¹

[THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS
(AMENDMENT) ACT, 1935.]

[29th October, 1935.]

An Act to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for a certain purpose.

Madras Act X
of 1934.

WHEREAS it is expedient to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purpose hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Co-operative Land Mortgage Banks (Amendment) Act, 1935.

Short title.

Madras Act X
of 1934.

2. In section 29 of the Madras Co-operative Land Mortgage Banks Act, 1934, after the words "receive payment of such debt or part thereof from the bank", the words "at its registered office" shall be inserted.

Amendment of section 29, Madras Act X of 1934.

MADRAS ACT No. XVIII OF 1935.²

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT)
ACT, 1935.]

[5th November, 1935.]

An Act further to amend the Madras District Municipalities Act, 1920, for certain purposes.

Madras Act V
of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1935.

Short title.

¹ For Statement of Objects and Reasons see Fort St. George Gazette, dated 16th July 1935—Part IV, pages 267–268.

² For Statement of Objects and Reasons see Fort St. George Gazette, dated 2nd July 1935—Part IV, pages 90–91.

2. For clause (8-C) of section 3 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act), the following clause shall be substituted, namely:—

Amendment
of section 3,
Madras Act
V of 1920.

[*Vide p. 1003.*]

3. In section 73 of the said Act, for the words “ eighty rupees,” the words “ fifty rupees ” shall be substituted and for the words “ by the council ” the words “ by a committee consisting of the chairman, the commissioner and one member elected by the council,” shall be substituted.

Amendment
of section
73, Madras
Act V of
1920.

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